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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 JULIA RENIGER and GREG
13 BATTAGLIA, Individually and On Behalf
14 of All Others Similarly Situated,

15 Plaintiff,

16 v.

17 HYUNDAI MOTOR AMERICA, a
18 California corporation, and HYUNDAI
19 MOTOR COMPANY, a foreign
20 corporation,

21 Defendants.

Case No.:

CLASS ACTION COMPLAINT FOR:

(1) Violations of California Consumers
Legal Remedies Act (Cal. Civ. Code

§ 1750, *et seq.*);

(2) Violations of Unfair Competition Law
(Cal. Bus. & Prof. Code § 17200, *et. seq.*)

(3) Breach of Implied Warranty Pursuant
to Song-Beverly Consumer Warranty Act
(Cal. Civ. Code §§ 1792 and 1791.1, *et*
seq.)

(4) Violation of the Magnuson-Moss
Warranty Act (15 U.S.C. § 2301).

DEMAND FOR JURY TRIAL

1 1. Plaintiffs Julia Reniger and Greg Battaglia (“Plaintiffs”) bring this action
2 individually and on behalf of all persons in the United States who purchased or leased any
3 2010 through 2012 Hyundai Santa Fe vehicle (“Class Vehicles”) designed, manufactured,
4 marketed, distributed, sold, warranted and serviced by Hyundai Motor America and Hyundai
5 Motor Company (“Defendants”). Plaintiffs allege as follows upon personal knowledge as to
6 themselves and their own acts and experiences, and, as to all other matters, upon information
7 and belief, including investigation conducted by their attorneys.
8

9 **NATURE OF THE CASE & COMMON ALLEGATIONS OF FACT**

10 2. This case concerns a serious safety defect in the Class Vehicles which causes
11 unexpected stalling that results in total loss of power, including braking and steering, posing a
12 risk of injury or death to both passengers and pedestrians (“Stalling Defect”). On information
13 and belief, in an egregious breach of their duties under the law, Defendants have been aware
14 of and intentionally failed to disclose the Stalling Defect for years.
15

16 3. The Stalling Defect has been documented to occur under a multitude of driving
17 conditions. Some owners have reported the Class Vehicles shutting off completely without
18 warning when driving at low speeds, turning or coming to a stop. Some owners have reported
19 their vehicles shutting down while driving at full speed on city streets and highways. Stalls
20 have been reported to occur on both uphill and downhill grades, when accelerating and/or
21 decelerating, when at a stop, and even when going in reverse.
22

23 4. Accounts posted on the Internet by Class Vehicle owners over a period of
24 several years vividly illustrate the extreme danger posed by the Stalling Defect. The
25 following incident reports posed on the National Highway Transportation Safety Authority
26 (“NHTSA”) website safecar.gov are typical examples:
27
28

1 Complaint Filed February 4, 2013 (**NHTSA ID Number:** 10496377)

2 AS I WAS DRIVING VEHICLE LOST ALL POWER ON A HIGHWAY
3 VERY DANGEROUS SITUATION. AGAIN THIS HAS HAPPENED A
4 SECOND TIME NOW WITH 17000 MILES. DEALERSHIP SAID
5 COMPUTER UPDATE THE FIRST TIME NOW THROTTLE BODY I DON'T
6 THINK THERE IS AN ANSWER VERY DANGEROUS. *TR

7 Complaint Filed October 16, 2013 (**NHTSA ID Number:** 10548164)

8 DRIVING ON A 2 LANE HIGHWAY ABOUT 40MPH & THE CAR JUST
9 STALLED. LOST POWER STEERING & BRAKES & WAS ALMOST HIT
10 FROM BEHIND. I WAS ABLE TO PULL OVER WITHOUT INCIDENT.
11 SECOND TIME, I WAS TURNING INTO MY DRIVEWAY & VEHICLE
12 STALLED AGAIN. I WAS UNABLE TO COMPLETE TURN BECAUSE OF
13 LOSS OF POWER STEERING & CAME WITHIN INCHES OF HITTING MY
14 MAILBOX. BOTH TIMES I TOOK THE VEHICLE INTO THE HYUNDAI
15 DEALER & WAS TOLD THAT THEY COULD NOT REPLICATE THE
16 PROBLEM & THE CAR WAS DRIVING FINE. I WILL BE FOLLOWING UP
17 WITH HYUNDAI COMPLAINTS DEPARTMENT.

18 Complaint Filed August 7, 2012 (**NHTSA ID Number:** 10469577)

19 THE VEHICLE ENGINE STALLED RANDOMLY DURING DRIVING,
20 TOTAL 4 TIMES, ALMOST CAUSING 4 ACCIDENTS. THE DEALER
21 MECHANIC INSPECTED THE VEHICLE BUT COULD NOT FIND THE
22 CAUSES FOR THIS PROBLEM AND THEREFORE WAS UNABLE TO FIX
23 IT, LEAVING THE VEHICLE IN A STATUS WITH TREMENDOUS
24 SAFETY CONCERNS. *TR

25 Complaint Filed March 23, 2014 (**NHTSA ID Number:** 10574284)

26 DURING THE PAST 6 MONTHS, OUR VEHICLE HAS STALLED THREE
27 TIMES. THE MOST RECENT INCIDENT OCCURRED WHILE WE WERE
28 EXITING THE FREEWAY. THE VEHICLE JUST STALLED AND WE
ALMOST LOST TOTAL CONTROL OF THE CAR (VERY SCARY). THE
FOLLOWING DAY, WE TOOK THE CAR TO THE LOCAL HYUNDAI
DEALER AND THEIR SERVICE DEPARTMENT REPLACED THE
THROTTLE BODY AND CLEANED ALL THE GROUNDS IN THE ENGINE
COMPARTMENT. WE HOPE THIS WAS AN ISOLATED INCIDENT AND
THEIR REPAIR SOLVES THE PROBLEM.\

5. Scores of similar complaints documenting the Stalling Defect have been
submitted to NHTSA as well as other websites and owner forums. On information and belief,

1 these complaints represent a small fraction of the number of actual incidents experienced by
2 consumers.

3 6. Consumers who have complained to Defendants concerning the Stalling Defect
4 have either been told that nothing was wrong with their vehicles, that the problem could not
5 be replicated and therefore could not be addressed, or provided with ineffective “fixes” that
6 failed to solve the problem. On information and belief, and based upon the investigation of
7 counsel, Defendants at all times relevant to this complaint were aware of the Stalling Defect
8 and even went so far as to place data monitoring devices in certain vehicles to study its
9 manifestations. Defendants intentionally concealed this information from consumers to
10 protect their own financial interests.
11

12 7. In about the beginning of August 2014, Defendants initiated a voluntary
13 “Service Campaign” which purports to address the Stalling Defect. However, Defendants’
14 “Service Campaign Notification” is materially false and misleading and proposes a “fix”
15 which, on its face, fails to address many manifestations of the Stalling Defect, and, on
16 information and belief, does not remedy the Stalling Defect.
17

18 8. Defendants’ “Service Campaign Notification” is a two page letter that states, in
19 pertinent part: “Hyundai has determined that during a specific set of operating conditions
20 when coming to a stop during braking at low speed, the load placed on the engine by the
21 alternator may momentarily result in a reduction in the engine rpm. This, combined with an
22 additional, simultaneous load on the engine may cause the vehicle’s engine to stall. The
23 vehicle can be restarted immediately.”
24

25 9. Defendants’ statement that the Stalling Defect is limited to a narrow “specific
26 set of operating conditions” is false and misleading. A significant number of publicly
27
28

1 available complaints document the Stalling Defect to occur under a multitude of other driving
2 conditions as well, including, but not limited to: while driving at a constant speed on city
3 streets; while accelerating from a constant speed (*e.g.*, while accelerating onto a highway);
4 while driving full speed on the highway; while turning at various speeds; while driving on an
5 incline or decline; while accelerating from a stop.

6
7 10. Defendants' "Service Campaign Notification" contains a link to a website set
8 up by Defendants to provide information regarding the Campaign which can be found at
9 www.HyundaiUSA.com/Campaign929. This website explains that the Campaign is not a
10 safety recall and contains materially false and misleading statements that attempt to mask the
11 seriousness and extensiveness of the Stalling Defect.

12
13 11. For example, on the website's "Frequently Asked Questions" page under the
14 heading "Is my car safe to drive?" Defendants state: "Yes. The reported stalling incidents
15 occur at very low speed and the vehicle can be restarted immediately. There have been no
16 injuries or accidents associated with the issue covered by this recall." Under the heading
17 "Shouldn't you pull all the potentially affected cars off the road?" Defendants repeat this
18 representation, stating in pertinent part: "No, that is not necessary. The reported incidents
19 occur at very low speed and the vehicle can be restarted immediately..."

20
21 12. These statements are also false and misleading. As noted above and described
22 in more detail below, reports documented on NHTSA's website and elsewhere include
23 accounts of vehicles stalling at highway speeds and under various other circumstances. These
24 reports clearly document the dangerous nature of the Stalling Defect (even for those who have
25 experienced it at low speeds) and the many "near misses" the defect has caused. Defendants'
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27
28

1 false statements and half-truths obscure the issue and further conceal the true nature of the
2 Stalling Defect.

3 13. Various consumer complaints also suggest that Defendants' proposed "fix" –
4 reprogramming of the Engine Control Module ("ECM") – is an ineffective remedy which has
5 failed to solve the problem in the past. *See, e.g.*, NHTSA Complaints Nos. 10549692,
6 1056649, 10578264, 10597317, *infra* (documenting failure of ECM upgrades to cure Stalling
7 Defect). The fact that Defendants' "fix" targets only one of numerous conditions under which
8 the defect manifests also suggests it is ineffective to remedy the problem. Further, Defendants
9 do not offer to reimburse vehicle owners for the cost of needless and ineffective repairs done
10 at the suggestion of Defendants' authorized dealers, for loss in value experienced as a result
11 of the defect, or for loss of use and enjoyment. Defendants do make clear that owners are
12 responsible for transporting their vehicles to dealerships for servicing and that roadside
13 assistance will not be provided.

14 14. Under the Transportation Recall Enhancement, Accountability and
15 Documentation Act ("TREAD Act") and its accompanying regulations, when a manufacturer
16 learns that a vehicle contains a safety defect it must promptly and accurately notify the vehicle
17 owners as well as the Secretary of Transportation. 49 U.S.C. § 30118(c). Defendants violated
18 and continue to violate the TREAD Act by failing to disclose the true nature and extent of the
19 Stalling Defect, and by failing to offer an adequate remedy for all manifestations of the defect.
20 Defendants' violations of the TREAD Act also constitute violations of California's Unfair
21 Competition Law (California Business & Professions Code § 17200, *et seq.*) and California's
22 Consumers Legal Remedies Act (California Civil Code § 1750, *et seq.*).
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PARTIES

15. PLAINTIFF JULIA RENIGER is a California citizen who resides in Granada Hills, California. In or around March 2012, Ms. Reniger purchased a new 2012 Hyundai Santa Fe Limited from Keyes Hyundai in Van Nuys, California. Plaintiff's vehicle was manufactured, sold, distributed, advertised, marketed and warranted by Defendants.

16. PLAINTIFF GREG BATTAGLIA is a California citizen who resides in Sonoma, California. In or around July 2011, Mr. Battaglia purchased a 2011 Hyundai Santa Fe from Petaluma Hyundai in Petaluma, California. Plaintiff's vehicle was manufactured, sold, distributed, advertised, marketed and warranted by Defendants.

17. DEFENDANT HYUNDAI MOTOR AMERICA is a California corporation with its principal place of business in Fountain Valley, California.

18. DEFENDANT HYUNDAI MOTOR COMPANY is a South Korean corporation with its principal place of business in Seoul, South Korea.

19. In conjunction with marketing and distributing the Class Vehicles, Defendants have personally availed themselves of the laws of the state of California, and established such contacts, as to be subject to personal jurisdiction for the claims set forth herein.

PLAINTIFFS' FACTS

20. Plaintiff Julia Reniger acquired her vehicle primarily for personal, family, or household use. Prior to purchase, Plaintiff researched and test drove her vehicle.

21. Subsequent to purchase, Plaintiff's vehicle stalled on multiple occasions under a multitude of driving conditions. For example, Plaintiff's vehicle stalled while driving with the flow of traffic on a major city street, while driving over a speed bump in a parking lot, and while slowing to make a right turn. The first stall occurred within a few months of purchase.

1 Each time Plaintiff's vehicle stalled it experienced an accompanying loss of power to the
2 steering and brakes.

3 22. In about the beginning of March 2014, Plaintiff's vehicle stalled twice in one
4 day. Plaintiff brought her vehicle to Mission Hills Hyundai three times during March 2014 to
5 have the Stalling Defect repaired and multiple "fixes" were attempted including, among other
6 things, cleaning the throttle body and changing the battery. Each time, however, shortly after
7 Plaintiff picked up her vehicle, it stalled again. Because the Hyundai dealer was unable to
8 remedy the Stalling Defect after repeated attempts, and the defect was a serious safety issue
9 which impacted Plaintiff's use and enjoyment of her vehicle, Plaintiff subsequently traded in
10 her vehicle.
11

12 23. Had Plaintiff known of the Stalling Defect, Plaintiff would never have
13 purchased the subject vehicle. Plaintiff purchased her vehicle with the intent to own it for a
14 period of five or more years. By trading her vehicle in prematurely, Plaintiff was forced to
15 absorb the significant depreciation experienced by motor vehicles during the first two years of
16 ownership, without receiving the benefit of subsequent years of ownership as Plaintiff had
17 planned and intended at the time of purchase.
18

19 24. At all times Plaintiff drove her vehicle in a reasonably foreseeable manner and
20 in the manner it was intended to be used.
21

22 25. Plaintiff Greg Battaglia acquired his vehicle primarily for personal, family, or
23 household use. Prior to purchase, Plaintiff researched and test drove his vehicle.
24

25 26. Subsequent to purchase, Plaintiff's vehicle stalled randomly on at least two
26 occasions.
27

37. On information and belief, thousands of purchasers and lessees of the Class Vehicles have experienced problems with their vehicles stalling unexpectedly. Complaints filed by consumers with NHTSA, as well as other publicly available complaints posted online, demonstrate that the defect is widespread and dangerous, and manifests without warning.

38. The following are some of the complaints relating to the Stalling Defect posted on NHTSA's website (spelling and grammatical errors remain as found in the original):

Complaint Filed July 25, 2010 (**NHTSA ID Number:** 10345212)

ON TUESDAY, JUNE 8, 2010 I WAS ON A BUSY INTERSTATE HIGHWAY WITH FAST MOVING TRAFFIC AND MY CAR LOST ALL POWER WHILE TRAVELING AT 70 MPH. FORTUNATELY, I WAS ABLE TO BARELY GLIDE THE SANTE FE TO THE SHOULDER AND STOP WITHOUT INCIDENT. FOLLOW UP: 3 PM VISITED HYUNDAI SERVICE CENTER AND WAS TOLD THAT IT WAS NOT A THROTTLE PROBLEM. THEY ARE IN CONTACT WITH CA SERVICE TO DETERMINE CAUSE OF PROBLEM. FRIDAY, 6-11-10 AFTER COMPLETE TESTING OF ALL CIRCUITS, HYUNDAI DECLARES NO SOURCE OF PROBLEM. AUTO WAS PICKED UP AT 4:30 PM HYUNDAI ASSISTANT SERVICE MANAGER: BOB WOOD HYUNDAI CASE # 3982284 THE SPECIFICS ARE: ? SUV WAS PURCHASED 8/09 AND CURRENTLY HAS 5200 MILES. ? CRUISE CONTROL WAS ON BUT NOT ENGAGED. ? GAS TANK INDICATOR ON ONE-HALF. ? WITH MY FOOT ON GAS PEDAL THE INITIAL INSTINCT WAS THAT THE ENGINE HAD LOST ALL POWER. O PRESSING HARDER ON GAS PEDAL HAD NO REACTION. O THERE WAS AN OPENING IN TRAFFIC AND WITH THE SUV FORWARD INERTIA I WAS ABLE TO JUST REACH THE ROAD SHOULDER. O OBSERVED THAT RED INDICATORS WERE ON (BATTERY, OIL) ? RESET TRANSMISSION SELECTOR TO PARK, TURNED OFF KEY. O FIRST RESTART-NOTHING HAPPENED O SECOND RESTART SUV STARTED AND I DID NOT TURN OFF UNTIL REACHING HOME. OBVIOUSLY, THIS IS A SERIOUS LIFE THREATENING SITUATION THAT NEEDS TO BE RESEARCHED THOROUGHLY AND CORRECTED. *TR

Complaint Filed June 5, 2012 (**NHTSA ID Number:** 10460671)

TL* THE CONTACT OWNS A 2011 HYUNDAI SANTA FE. THE CONTACT STATED THAT THE VEHICLE STALLED WHILE DRIVING 15 MPH. THE CONTACT WAS ABLE TO SUCCESSFULLY RESTART THE VEHICLE AND CONTINUE DRIVING. THE VEHICLE WAS NOT TAKEN

1 TO HAVE THE FAILURE DIAGNOSED OR REPAIRED. THE
2 MANUFACTURER WAS NOT MADE AWARE OF THE FAILURE. THE
FAILURE MILEAGE WAS 15,500. THE VIN WAS UNAVAILABLE.

3 Complaint Filed July 18, 2012 (**NHTSA ID Number:** 10466481)

4 I HAVE HAD THE SAME PROBLEM WITH MY 2011 HYUNDAI SANTA
5 FE REPORTED IN OTHER ODI COMPLAINTS. SPECIFICALLY, MY
6 VEHICLE STALLS RANDOMLY WHILE TRAVELING AT LOW SPEEDS.
7 ODI ID #10460671, #10453272, AND #10412636, ALL SEEM TO REPORT
8 THE SAME PROBLEM I HAVE. OCCASIONALLY, WHILE BRAKING OR
9 ALLOWING THE CAR TO STOP, IT WILL STALL OUT. WHEN IT DOES,
10 ACCELERATING, POWER STEERING, AND POWER BRAKING ARE ALL
11 DISABLED. ONCE THE CAR GEAR IS SHIFTED TO PARK AND THE
12 IGNITION IS TURNED OFF, THE PROBLEM RESOLVES AFTER RE-
13 STARTING THE CAR LATER. THE DEALERSHIP SERVICE
14 DEPARTMENT HAD WORKED ON THIS CAR FOR THE SAME
15 PROBLEM FOUR TIMES WITHOUT BEING ABLE TO 1. DIAGNOSE THE
16 PROBLEM AND 2. COME UP WITH AN ADEQUATE REMEDY. EVEN
17 THOUGH THE TECHNICIANS HAVE NOT BEEN ABLE TO REPRODUCE
18 THE STALLING, THE FIRST THREE TIMES IT WAS IN THE SHOP,
19 THREE DIFFERENT REPAIRS WERE MADE. THEY HAVE ALL
20 INVOLVED COMPUTER FIXES, INCLUDING CHANGING OUT THE
21 CONTACTS, REPLACING THE JUNCTION BOX, AND UPDATING
22 SOFTWARE. HYUNDAI IS AWARE OF MY ISSUE AND THE PENDING
23 LEMON LAW ARBITRATION CLAIM THAT I HAVE MADE. HYUNDAI
24 HAS CURRENTLY MADE THE UNILATERAL DETERMINATION THAT
25 THIS VEHICLE DOES NOT QUALIFY AS A LEMON, WHICH I DISPUTE
26 BECAUSE 1. THIS DETERMINATION IS NOT CAPABLE OF BEING
27 MADE UNILATERALLY, AND 2. THIS IS A SERIOUS SAFETY DEFECT
28 AND MORE THAN A "REASONABLE" AMOUNT OF REPAIR ATTEMPTS
HAVE BEEN UNSUCCESSFUL. A MANAGING ENGINEER HAS
EXAMINED THE VEHICLE WITHOUT FINDING ANY PROBLEMS, AND
I'M CURRENTLY WORKING WITH HYUNDAI TO HAVE A "FLIGHT
RECORDER" INSTALLED TO RECORD DATA WHEN THE CAR STALLS
NEXT. THE MOST RECENT OCCURRENCE WAS WHILE I WAS
DRIVING IN HEAVY TRAFFIC WITHOUT A SHOULDER ON THE
FREEWAY--A LIFE-THREATENING SITUATION. I CONSIDER THIS CAR
TO BE AN UNRELIABLE SAFETY THREAT ON THE ROADWAYS AND
HAVE COMMUNICATED THIS TO HYUNDAI, BUT ITS
REPRESENTATIVE DO NOT HAVE THE SAME SENSE OF URGENCY I
HAVE. *TR

1 Complaint Filed August 13, 2012 (**NHTSA ID Number:** 10470435)

2 THE ENGINE STALLED THE 4TH TIME. DEALERSHIP COULD NOT
3 REACH A DIAGNOSIS AND UNABLE TO FIX IT.. *TR

4 Complaint Filed August 19, 2012 (**NHTSA ID Number:** 10471442)

5 THE ENGINE SHUT DOWN TWICE WHILE DRIVING IT. FIRST SHUT
6 DOWN ON 5/8/2012: AFTER BEGINNING TO ACCELERATE FOR A LEFT
7 TURN AFTER BEING IDLE AT A LEFT TURN RED LIGHT THE CAR'S
8 ENGINE LOST POWER BEFORE THE TURN WAS COMPLETED. POWER
9 STEERING WENT OUT. GOT HONKED AT AS CARS BEHIND NOTICED
10 SOMETHING WRONG. COASTED TO THE SIDE OF THE ROAD AFTER
11 COMPLETING THE TURN AND HAD TO TURN THE IGNITION IN THE
12 OFF POSITION TO TURN THE ENGINE BACK ON. SECOND SHUT
DOWN ON 8/3/2012: WHILE TURNING LEFT IN A SHOPPING CENTER
PARKING LOT THE CAR'S ENGINE LOST POWER. POWER STEERING
WENT OUT. AFTER COMING TO A STOP HAD TO TURN THE IGNITION
IN THE OFF POSITION TO TURN THE ENGINE BACK ON. *TR

13 Complaint Filed August 27, 2012 (**NHTSA ID Number:** 10472708)

14 THE ENGINE STALLED THE 5TH TIME DURING DRIVING! ALMOST
15 CAUSED ANOTHER ACCIDENT! *TR

16 Complaint Filed September 17, 2012 (**NHTSA ID Number:** 10475736)

17 THIS IS THE 6TH ENGINE STALLING DURING DRIVING. THE ENGINE
18 LIGHT, ENGINE OIL PRESSURE AND CHARGING SYSTEM LIGHTS
19 WERE ON. THE DEALER COULD NOT DIAGNOSE OR FIX IT. *TR

20 Complaint Filed October 27, 2012 (**NHTSA ID Number:** 10482418)

21 WITHOUT ANY WARNING, THE ENGINE SHUT OFF WITH THE GEAR
22 IN D - DRIVING ON A FLAT ROAD NORMALLY. THIS ALSO
HAPPENED AROUND 3500 MILES AROUND JULY 20, 2012. *TR

23 Complaint Filed October 9, 2012 (**NHTSA ID Number:** 10479449)

24 TL* THE CONTACT OWNS A 2011 HYUNDAI SANTA FE. THE
25 CONTACT STATED THAT WHILE SITTING AT A STOP LIGHT, THE
26 VEHICLE STALLED WITHOUT WARNING. THE VEHICLE WAS TAKEN
27 TO THE DEALER FOR INSPECTION WHERE THEY WERE UNABLE TO
28 DETERMINE THE CAUSE OF THE FAILURE. THE VEHICLE WAS NOT
REPAIRED. THE MANUFACTURER WAS NOT NOTIFIED. THE FAILURE
MILEAGE WAS 1,500

1 Complaint Filed November 1, 2012 (**NHTSA ID Number:** 10482822)

2
3 VEHICLE STALLED AS TURNING INTO DRIVEWAY OF SHOPPING
4 COMPLEX. THE STEERING WHEEL FROZE AS I WAS TRYING TO
5 TURN LEFT. IN THE DASHBOARD, NO LIGHTS ON EXCEPT
6 "MALFUNCTION INDICATOR" LIGHT WAS LIT. RESTARTED CAR AND
7 DROVE ON, THE "MALFUNCTION LIGHT" GOT TURNED OFF, CAME
8 HOME AND THEN CALLED DEALER. DROVE TO DEALER BUT THEY
9 COULD NOT DIAGNOSE THE ISSUE SINCE THE LIGHT WAS NOT ON
10 AND SO NO CODE CAN BE FOUND. CAR IS LESS THAN 3 MONTHS
11 OLD AND NOT EVEN 3000 MILES ON THE CAR. I FEEL THIS CAR IS
NOT SAFE UNLESS HYUNDAI TAKES CARE OF THE PROBLEM. NOT
DIAGNOSING AND ADDRESSING THE ISSUE MAKES ME
CONCERNED. IF CAR STALLS WHILE DRIVING THEN THAT IS VERY
DANGEROUS AS IT CAN CAUSE AN ACCIDENT SUCH AS CAR
HITTING FROM BEHIND. I AM VERY MUCH CONCERN WITH SUCH A
PROBLEM FOR CAR AS NEW AS MINE. *TR

12 Complaint Filed November 5, 2012 (**NHTSA ID Number:** 10483428)

13
14 WHILE TURNING INTO A PARKING LOT, ENGINE DIED WITHOUT
15 WARNING. THIS IS THE THIRD TIME THE ENGINE HAS DIED
16 WITHOUT WARNING WHILE DRIVING AT LOW SPEEDS. WHEN THE
ENGINE DIES, THE CAR LOSES STEERING AND BRAKES AND IS VERY
UNSAFE. *TR

17 Complaint Filed November 21, 2012 (**NHTSA ID Number:** 10485450)

18
19 WITHOUT ANY WARNING, THE ENGINE SHUT OFF WHILE DRIVING
20 NORMALLY. THIS IS THE THIRD TIME SINCE THE PURCHASE, AND
21 PLEASE ADVISE ANY WAY TO TAKE ACTION ON THIS DANGEROUS
22 ISSUE. I JUST KNOW THAT THE DEALER WILL JUST SAY THAT THEY
WILL LOOK INTO IT, AND THEY WILL NOT BE ABLE TO FIX THIS. DO
I HAVE TO GO THROUGH ALL THE VISITS TO THE DEALER AND
BUILD A CASE FOR A LEMON? WHERE CAN I GET HELP? *TR

23 Complaint Filed January 14, 2013 (**NHTSA ID Number:** 10492412)

24
25 JUST GOT OUT OF A SHOPPING CENTER AND ONTO MIRA MESA
26 BLVD, SAN DIEGO. CAR STALLED! I WAS GOING @ 30 MILES/HOUR
27 OR SO. TOTAL MILES ON THE CAR WHEN THIS HAPPENED WERE
28 5177 MILES. WHEN IT STALLS, IT BEHAVES AS IF KEY IS MOVED TO
ON POSITION BUT CAR HAS NOT BEEN STARTED. THIS IS THE 4TH
TIME CAR HAS STALLED SINCE I BOUGHT NEW IN AUGUST (YES, IN
5 MONTHS AND WITHIN @ 5,000 MILES). PRIOR TWO TIMES WERE

1 JUST A BEFORE CHRISTMAS ON 12/23/2012 (ON THE SAME DAY, @ 1
2 MINUTE APART). AT THIS TIME I WAS GOING SLOW SPEED @ 25
3 MILES/HOUR ON A WINDY DOWN HILL ROAD. FORTUNATELY,
4 THERE WERE NO FAST MOVING CARS BEHIND ME IN ALL 4 CASES. I
5 AM AFRAID THAT SOMEONE MAY HIT ME FROM BEHIND WHEN CAR
6 STALLS LIKE THIS. CAR HAS BEEN TO DEALER TWICE FOR THE
7 SAME ISSUE. THEY SEEMS TO HAVE NO CLUE. LAST TIME I WENT,
8 JUST AFTER CHRISTMAS, THAT CHANGED THROTTLE BODY. I WAS
9 HOPPING THAT IT WILL FIX THE ISSUE BUT I AM NOT THAT LUCKY
10 AS IT CAME BACK IN JUST 3 WEEKS! I HAVE OPENED A CASE WITH
11 HYUNDAI ALREADY RIGHT AFTER THE FIRST INCIDENT, WILL
12 HAVE TO FOLLOW UP WITH THEM AGAIN. *TR

13 Complaint Filed January 20, 2013 (**NHTSA ID Number:** 10493564)

14 AT 2 TIMES IN THE LAST FEW MONTHS THE CAR ENGINE HAS
15 SUDDENLY STOPPED WHILE DRIVING SLOWLY ON LEVEL GROUND.
16 LOST POWER STEERING AND POWER BRAKES. CAR RESTARTED
17 IMMEDIATELY. SO FAR DEALERSHIP UNABLE TO REPRODUCE OR
18 HELP WITH PROBLEM. *TR

19 Complaint Filed January 21, 2013 (**NHTSA ID Number:** 10493630)

20 THIS IS THE FOURTH TIME SINCE THE PURCHASE IN APRIL, 2012.
21 THE ENGINE JUST SHUTS OFF WHILE DRIVING NORMALLY AT A
22 LOW SPEED. THE DEALER SHOP OBVIOUSLY COULD NOT FIND ANY
23 ISSUES. I CANNOT UNDERSTAND WHY THIS TYPE OF HIGHLY
24 DANGEROUS PROBLEM IS NOT BEING ADDRESSED BY NHTSA
25 URGENTLY. I SEE THAT THERE ARE OTHER COMPLAINTS OF THIS
26 NATURE REPORTED. I CANNOT BELIEVE THAT I HAVE TO RISK OUR
27 FAMILY LIVES TO PROVE THAT THERE IS A SERIOUS FAULT WITH
28 THIS VEHICLE! *TR

Complaint Filed February 26, 2013 (**NHTSA ID Number:** 10500116)

FROM STOP, MAKING LEFT TURN, LOST ALL POWER MOMENTARILY,
RPM DROPPED TO IDLE. PRESSING ACCELERATOR DID NOTHING,
FINALLY ENGINE CAME BACK AND ACCELERATED WILDLY. VERY
DANGEROUS. *TR

Complaint Filed April 6, 2013 (**NHTSA ID Number:** 10507355)

WAS NEGOTIATING A LEFT SIDED CURVE ON THE DOWNHILL SIDE
OF A STEEP, WINDY ROAD IN A REMOTE AREA BETWEEN OAKLAND

1 AND MORAGA, CA WHEN I SUDDENLY LOST STEERING POWER. I
2 WENT TO HIT THE BRAKES AND FOUND THAT MY BRAKES ALSO
3 HAD NO POWER. I PUSHED VERY HARD ON THE BRAKES AND
4 MANAGED TO GET THE VEHICLE TO STOP. HAD I BEEN UNABLE TO
5 STOP, MY CAR WOULD'VE GONE DIRECTLY OVER A VERY STEEP
6 HILLSIDE THAT BORDERS A RESERVOIR. AS IT WAS, THE REAR END
7 OF MY CAR WAS JUTTED OUT HALFWAY ONTO THE ROADWAY AND
8 ONLY A FEW YARDS FROM A BLIND CURVE. THIS PARTICULAR
9 SPOT ALSO HAS NO CELL PHONE COVERAGE. AFTER PUTTING THE
10 CAR IN PARK, I NOTED THAT MY IGNITION WAS STILL IN THE "ON"
11 POSITION AND THAT ALL THE APPROPRIATE DASH LIGHTS WERE
12 ON, BUT THE ENGINE SOUND WAS ABSENT AND THE TACH READ
13 ZERO. I DID NOT NOTICE ANY ERROR MESSAGES ON MY DASH. I
14 TURNED THE CAR OFF, THEN TURNED THE IGNITION BACK ON. THE
15 CAR STARTED RIGHT UP WITH NO HESITATION. I HEARD NO
16 UNUSUAL ENGINE NOISES OR EXPERIENCED ANY DIFFICULTIES
17 WITH DRIVING THE VEHICLE. I DROVE TO THE CLOSEST SERVICE
18 STATION APPROX. 3-4 MILES FROM THE INCIDENT LOCATION. THE
19 MECHANIC DID A QUICK CHECK UNDER THE HOOD, FOUND
20 NOTHING UNUSUAL AND SUGGESTED I GO DIRECTLY TO THE
21 HYUNDAI DEALERSHIP. I TOOK MY CAR TO FUTURE HYUNDAI IN
22 CONCORD, CA. THEY RAN DIAGNOSTICS THE NEXT DAY, THEN
23 REPORTED THAT THEY "COULD FIND NOTHING WRONG WITH THE
24 CAR." I EXPRESSED MY FEAR OF DRIVING THE VEHICLE BASED ON
25 VERY RATIONAL SAFETY CONCERNS AND WHAT I FELT HAD BEEN
26 A CLOSE CALL ON MY LIFE THE DAY PRIOR. I ALSO TOLD THE
27 SERVICE PERSON THAT A QUICK LOOK ONLINE LEAD ME TO FIND
28 SEVERAL STORIES SIMILAR TO MINE. I WAS TOLD I WOULD NEED
TO TALK WITH THE SERVICE MANAGER THE NEXT DAY AS HE WAS
NOT AVAILABLE. I THEN CALLED HYUNDAI CUSTOMER SERVICE
AND REPORTED THE ENTIRE HISTORY OF THIS ISSUE. I HAVE BEEN
ASSIGNED CASE # [XXX]. INFORMATION REDACTED PURSUANT TO
THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6). *TR

Complaint Filed April 14, 2013 (**NHTSA ID Number:** 10508158)

2011 HYUNDAI SANTA FE V6 LIMITED TRAVELING AT A SPEED OF
APPROXIMATELY 15 MPH, IN THE PROCESS OF MAKING A LEFT
HAND TURN THE ENGINE EXPERIENCED A STALL CONDITION.
IMMEDIATELY LOST THE ABILITY TO SAFELY CONTROL THE
VEHICLE, COMPLETE LOSS OF THE BRAKING SYSTEM AND POWER
STEERING. ENGINE LIGHT WAS ILLUMINATED. ONCE THE VEHICLE
HAD COASTED TO A STOP, SHIFTED THE VEHICLE FROM THE DRIVE
POSITION TO THE PARK POSITION. TURNED THE IGNITION TO THE
OFF POSITION. IMMEDIATELY TURNED THE IGNITION TO THE
START POSITION AND ENGINE RESTARTED. ENGINE LIGHT

1 INDICATOR IN DASH PANEL WAS NO LONGER ILLUMINATED. TOOK
2 VEHICLE TO DEALERSHIP TO HAVE THEM LOCATE THE ROOT
3 CAUSE. DEALERSHIP WAS UNABLE TO DETERMINE THE ROOT
4 CAUSE. FILED AN INCIDENT REPORT WITH HYUNDAI USA. *TR

Complaint Filed May 2, 2013 (**NHTSA ID Number:** 10510408)

5 TL* THE CONTACT OWNS A 2012 HYUNDAI SANTA FE. THE
6 CONTACT STATED THAT THE VEHICLE STALLED WITHOUT
7 WARNING WHILE SITTING AT A TRAFFIC STOP. THE FAILURE WAS
8 EXPERIENCED SEVERAL TIMES. THE VEHICLE WAS TAKEN TO THE
9 DEALER TO HAVE A DIAGNOSTIC PERFORMED BUT THE DEALER
10 WAS UNABLE TO GENERATE A FAILURE CODE. THE DEALER ALSO
11 TEST DROVE THE VEHICLE BUT WAS UNABLE TO DUPLICATE THE
12 FAILURE. THE DEALER RESET THE ELECTRONIC CONTROL MODULE
13 AS A PRECAUTION. THE FAILURE WAS NOT CORRECTED HOWEVER,
14 AND THE VEHICLE CONTINUED TO STALL WHEN STOPPED. THE
15 FAILURE MILEAGE WAS 2,766 AND THE APPROXIMATE FAILURE
16 MILEAGE WAS 3,000.

Complaint Filed May 3, 2013 (**NHTSA ID Number:** 10510497)

17 2012 HYUNDAI SANTA FE HAD COMPLETE POWER LOSS ON
18 INTERSTATE WHILE MOVING AT 65MPH IN THE LEFT MOST LANE.
19 ENGINE SHUTTERED, CHECK ENGINE LIGHT CAME ON AND ENGINE
20 POWER WENT TO IDLE RPM. THERE WAS NO THROTTLE RESPONCE
21 AND STEERING BECAME HEAVY. MANAGED TO CROSS TWO LANES
22 AND GET THE VEHICLE TO THE SHOULDER. SHUT VEHICLE OFF
23 AND RESTARTED IT. CHECK ENGINE LIGHT STAYED ON AND
24 ENGINE APPEARED TO FUNCTION NORMALLY. ACCELERATED
25 FROM SHOULDER INTO TRAFFIC. DROVE FOR 1/4 MILE AND
26 INCIDENT AGAIN REPEATED ITSELF AS DESCRIBED ABOVE.
27 FEARING FOR MY SAFETY, I PARKED THE VEHICLE AND HAD IT
28 TOWED TO DEALER WHOM I PURCHASED VEHICLE FROM. I CALLED
(ON 5-2-13) THE DEALER AND TOLD THEM WHAT WAS HAPPENING.
THE NEXT MORNING (5-3-12) I CALLED THEM AT 9AM TO FIND
STATUS OF REPAIR. THEY STATED IT WAS ALREADY REPAIRED.
THEY STATED IT IS RELATED TO THE TROTTLE POSITION SENSOR.
THEY STATED THEY WERE WELL AWARE OF THE PROBLEM. THEY
STATED THEY WERE HAVING MANY OF THE SAME ISSUES WITH
THIS TYPE OF VEHLCE. THEY STATED THERE WAS A TSB ON THE
PROBLEM. DOES SOMEONE HAVE TO BE INJURED OR KILLED
BEFORE A MANUFACTURE HAS THE OBLIGATION TO CORRECT A
KNOWN PROBLEM THAT REPEATS ITSELF? LOOK AT ALL THE
OTHER REPORTS AND COMPLAINTS! I HAVE A WIFE AND 2
CHILDREN THAT RIDE IN THIS VEHICLE. WHAT NOW? *TR

1 Complaint Filed May 13, 2013 (NHTSA ID Number: 10511729)

2
3 SINCE I RECEIVED MY SUV IN 2011 I'VE EXPERIENCED 3 VEHICULAR
4 CUT-OFFS WHILE DRIVING. THE CUT-OFF ALWAYS OCCURS DURING
5 A SLOW MOVING TURN, WHETHER GOING LEFT OR RIGHT. I WOULD
6 START TURNING OR SWITCHING LANES IN ONE CASE AND THE CAR
7 WILL STALL. ALL PANEL LIGHTS WOULD COME ON, THE STEERING
8 WOULD SHUT-DOWN SO I CANT CONTROL THE VEHICLE AND THE
9 BRAKES SHUT-DOWN AS WELL. I HAVE TO COAST TO A STOP AND
10 PLACE IN PARK. THIS IS A VERY VULNERABLE SITUATION WHERE
11 I'VE BEEN AT THE MERCY OF ONCOMING TRAFFIC. THANK
12 GOODNESS THAT MY 2 YEAR OLD DAUGHTER WASN'T IN THE
13 VEHICLE ANY OF THE TIMES. THE SUV ALWAYS STARTS BACK UP
14 AFTER SITTING FOR ABOUT A MINUTE. THIS PROBLEM IS SO
15 RANDOM AND THERE ARE NO WARNING SIGNS, IT'S JUST HAPPENS.
16 IT WAS SUGGESTED THAT PERHAPS THEIR COULD HAVE BEEN AIR
17 IN THE GAS LINE, I DON'T BELIEVE THIS TO BE TRUE. THE FIRST
18 TIME IT HAPPENED I HAD LESS THEN A QUARTER TANK OF GAS,
19 THE SECOND ABOUT A HALF TANK AND THE LAST A FULL TANK.
20 CURRENTLY MY CAR IS BACK AT THE DEALERSHIP WHERE
21 THEY'RE HOPING THAT THEY CAN ONCE AGAIN DUPLICATE THE
22 PROBLEM. THEY'VE HAD IT FOR 6 DAYS SO FAR. *TR

23 Complaint Filed May 20, 2013 (NHTSA ID Number: 10512810)

24
25 THIS HAS OCCURRED TWICE (5900 MILES AND 7000 MILES). AT A
26 RED LIGHT, THE ENGINE WILL SHUT OFF WITH NO SYMPTOMS. IT IS
27 ONLY WHEN THE LIGHT TURNS GREEN AND THE GAS PEDAL IS
28 PRESSED DO YOU NOTICE THE ENGINE HAS STOPPED. I SEE AS A
DANGEROUS SITUATION. DEALER SAYS WITH NO CHECK ENGINE "ON" THERE IS NO WAY TO FIND THE PROBLEM. *TR

29 Complaint Filed May 23, 2013 (NHTSA ID Number: 10513363)

30
31 TOOK MY CAR IN TO HYUNDAI DEALERSHIP IN CONCORD, CA ON
32 APPROX. MARCH 17TH OF THIS YEAR FOR PREVIOUS COMPLAINTS
33 OF ENGINE SUDDENLY SHUTTING OFF WHILE DRIVING. WAS TOLD
34 AT THAT TIME THAT NO ERROR CODES WERE RECORDED BY THE
35 CAR'S COMPUTER AND THAT HYUNDAI MECHANICS COULD NOT
36 FIND ANY MECHANICAL ISSUES WITH THE VEHICLE. THEY THEN
37 TALKED TO HYUNDAI ENGINEERS AND DECIDED THAT POSSIBLY
38 THE CARS THROTTLE BODIES COULD BE A PROBLEM AND TOLD ME
THEY WOULD DO A "GOOD WILL" REPLACEMENT OF THIS AUTO
PART. SINCE THAT TIME, I HAVE DRIVEN THE CAR

1 APPROXIMATELY 1K MILES WITHOUT INCIDENT, UNTIL THIS PAST
2 SATURDAY MAY 18 2013. I WAS IN STOP AND GO TRAFFIC, GOING
3 AT SPEEDS BETWEEN 5-15 MPH. I PUSHED THE BRAKE TO DO A
4 GRADUAL SLOW, THEN WENT TO PUSH THE ACCELERATOR BUT
5 THERE WAS NO POWER. I LOOKED DOWN TO SEE MY DASH LIGHTS
6 WERE PRESENT, BUT NO ENGINE SOUND. I SLOWED THE CAR TO A
7 COMPLETE STOP, TURNED THE IGNITION OFF, THEN TURNED IT ON
8 AND THE ENGINE STARTED RIGHT UP. AGAIN, AS PREVIOUS, NO
9 ERROR MESSAGES APPEARED ON MY DASH. THE CAR HAS BEEN
10 DRIVEN WITHOUT INCIDENT SO FAR 200 MILES SINCE THIS LAST
11 INCIDENT. THE DEALERSHIP HAS ASKED ME TO BRING THE CAR IN
12 AND ALLOW THEM TEST DRIVE THE CAR FOR A DAY HOPING THAT
13 THIS INTERMITTENT PROBLEM WILL OCCUR FOR THEM. IT
14 APPEARS TO BE CONNECTED TO HITTING THE BRAKES, SLOWING,
15 THEN ATTEMPTING TO ACCELERATE. ALL TIMES THIS SO FAR THIS
16 HAS OCCURRED WHILE DRIVING ON AN INCLINE. THE VEHICLE
17 CURRENTLY HAS 35, 500 MILES. *TR

18
19 Complaint Filed July 8, 2013 (**NHTSA ID Number:** 10523828)

20 THE ENGINE STALLED WHILE DRIVING. I WAS DRIVING AT A LOW
21 SPEED AND MAKING A RIGHT-HAND TURN, AND THE ENGINE SHUT
22 OFF. THE CHECK ENGINE LIGHT ILLUMINATED. I LOST POWER
23 STEERING AND WOUND UP ON THE OPPOSITE SIDE OF THE ROAD;
24 FORTUNATELY, THERE WAS NO ONCOMING TRAFFIC OR IT COULD
25 HAVE BEEN AN EVEN MORE DANGEROUS SITUATION. I WAS ABLE
26 TO RESTART THE CAR AND CONTINUE DRIVING. THE DEALERSHIP
27 DID NOT SEE A DIAGNOSTIC CODE RECORDED. THEY WERE ALSO
28 NOT ABLE TO RECREATE THE PROBLEM. NO REPAIRS WERE MADE.
THIS INCIDENT HAPPENED AGAIN AT APPROXIMATELY 9,000 MILES,
AND MOST RECENTLY AT 24,184 MILES. IN ALL CASES THE
SCENARIO IS SIMILAR: DRIVING AT A LOW SPEED, EITHER TURNING
OR ON A CURVY ROAD. THE VEHICLE HAS RESTARTED WITHOUT
INCIDENT, BUT THE COMPLETE LOSS OF POWER STEERING AND
BRAKING MAKES THIS AN INCREDIBLY DANGEROUS DEFECT. THE
DEALERSHIP WAS UNABLE TO FIND A DIAGNOSTIC CODE FOR THE
MOST RECENT INCIDENT. *TR

Complaint Filed August 16, 2013 (**NHTSA ID Number:** 10535699)

FOR THE SECOND TIME THIS SUMMER THE ENGINE HAS JUST SHUT
OFF WHILE DRIVING SLOWLY DOWN HILL. THIS TIME I BARELY
MISSED CAUSING AN ACCIDENT AND HITTING A PEDESTRIAN. *TR

1 Complaint Filed September 7, 2013 (NHTSA ID Number: 10542456)

2 ENGINE DIED WHEN SLOWING DOWN - COMING TO A STOP OR
3 MAKING TURNS APPROXIMATELY 8 TIMES SINCE THE TIME OF
4 PURCHASE. FIRST TIME WAS WHEN COMING DOWN AN INCLINE TO
5 A STOP SIGN. THE NEXT TIME HAPPENED WHEN MAKING A TURN
6 AROUND A CORNER ON A RESIDENTIAL STREET. SINCE THAT FIRST
7 TIME, SERVICE DEALER CHECKED FOR RECALLS, BUT THERE WERE
8 NONE., IT RANDOMLY HAPPENS, NORMALLY WHEN SLOWING
9 DOWN FROM TRAVELING SPEEDS OF 45 MI/HR OR SLOWER. I HAVE
10 BEEN DOING MORE HIGHWAY DRIVING AND I AM STARTING TO
11 GET SCARED THAT THIS COULD BE A REAL SAFETY ISSUE. THE
12 NEXT TIME I BROUGHT THIS UP TO THE DEALER, MAY 2013, THE
13 SERVICE DEALER CHECK COMPUTER FOR CODES BUT DIDN'T FIND
14 ANY. NOW, WHEN I BROUGHT IN FOR MAINTENANCE IN AUGUST
15 2013, SAME THING, MENTIONED IT HAD DIED 2 TIMES SINCE MAY
16 2013, ALL IN SIMILAR SITUATIONS AND RANDOMLY/COMPUTER
17 CHECKED AND NO CODES.. TODAY, SEPTEMBER 7, 2013. IT JUST
18 HAPPENED AGAIN AND THIS TIME AS I WAS MAKING A RIGHT
19 HAND TURN FROM A BUSY STREET (45 MILES/HR WHEN IT DIED- NO
20 POWER STEERING. GOOD THING I WAS ABLE TO COME TO A STOP
21 BEFORE CROSSING THE MEDIAN INTO ONCOMING TRAFFIC AND NO
22 ONE WAS RIGHT BEHIND ME. I WAS ABLE TO RESTART THE ENGINE
23 AND DROVE VERY CAUTIOUSLY HOME! PLAN ON BRINGING IT IN
24 AND LEAVING IT WITH THE DEALER ASAP.

25 Complaint Filed September 30, 2013 (NHTSA ID Number: 10546144)

26 9/26/13 - WHILE GOING UP TO THE NEXT LEVEL OF A PARKING
27 STRUCTURE AT A SLOW SPEED, THE VEHICLE STALLED. PUT IT
28 INTO PARK AND RESTARTED IT AND DROVE IT TO A PARKING SPOT.
LATER THAT DAY WAS ABLE TO DRIVE IT TO THE DEALERSHIP;
THEY HAVE HAD IT FOR 4 DAYS (2 OF WHICH WERE OVER THE
WEEKEND). NO CODES REGISTERED IN THE COMPUTER SYSTEM;
THEY ARE WAITING TO HEAR FROM A HYUNDAI TECH. ACCORDING
TO RESEARCH ONLINE, THIS IS A COMMON (AND DANGEROUS)
PROBLEM WITH THE SANTA FE. PRIOR TO THIS EPISODE, ON 2
OTHER OCCASIONS (9/13/13 AND 8/3/2012), WAS DRIVING THE
VEHICLE AT 70MPG AND 50MPH RESPECTIVELY AND LOST POWER
AND THE ABILITY TO KEEP OR INCREASE MY SPEED AND HAD TO
PULL OVER AND GET TOWED TO THE DEALERSHIP, BOTH TIMES.
THIS TOO APPEARS TO BE COMMON AMONG ONLINE FORUMS FOR
SANTA FE'S. *TR

1 Complaint Filed October 7, 2013 (**NHTSA ID Number:** 10547093)

2 CAR HAS STALLED WHILE DRIVING THREE TIMES, ALL AT LOW
3 SPEEDS. 3/4 TANK OF GAS, NO LESS. CAR ALSO WON'T START AT
4 TIMES UNLESS YOU MOVE SHIFT LEVER. CAR IS UNDER
5 WARRANTY AND DEALER KEEPS SAYING NOTHING WRONG. NOT
6 STARTING IS VERY MINOR. CAR STALLING IN TRAFFIC IS A MAJOR
7 SAFETY ISSUE. *TR

8 Complaint Filed October 27, 2013 (**NHTSA ID Number:** 10549692)

9 VEHICLE HAS STALLED IN TRAFFIC WHEN DRIVING UNDER 10MPH
10 AND ALSO WHEN AT A STANDSTILL AT A FOUR WAY
11 INTERSECTION. TOOK THE VEHICLE TO HYUNDAI DEALERSHIP
12 5.13.2013 AND A THROTTLE BODY PART WAS ORDERED AND
13 INSTALLED 5.21.2013. VEHICLE AGAIN STALLED TWICE AT LOW
14 SPEED AND ON 10.11.2013 (MILEAGE 37,710) AN ECM UPGRADE WAS
15 DONE. YESTERDAY,10.26.2013, THE CAR STALLED AGAIN. *TR

16 Complaint Filed October 31, 2013 (**NHTSA ID Number:** 10550397)

17 MY ENGINE HAS STALLED AT SEVERAL OCCASIONS BEGINNING
18 AROUND APRIL 2013. THE FIRST 2 EVENTS HAPPENED AS I WAS
19 STOPPED AT A RED LIGHT. I PUT MY FOOT ON THE ACCELERATOR
20 AND NOTHING HAPPENED I HAD TO RESTART THE CAR TO GET IT
21 MOVING AGAIN. THE CAR HAS ALSO STALLED TWICE WHILE I WAS
22 REVERSING INTO A PARKING SPOT AND ONCE AS I WAS TURNING A
23 CORNER I LOST CONTROL OF THE STEERING FUNCTION IN THE
24 MIDDLE OF THE STREET. AS RECENTLY AS OCTOBER 2013 THE CAR
25 STALLED AGAIN WHILE STOPPED AT A RED LIGHT. ALL OF THESE
26 EVENTS HAPPENED AS I WAS STOPPED OR MOVING AT A LOW (LESS
27 THAN 10 MPH) RATE OF SPEED. *TR

28 Complaint Filed November 11, 2013 (**NHTSA ID Number:** 10550475)

WHILE DRIVING AT SLOW SPEED 10-15 MPH AND BRAKING THE CAR
COMPLETELY STALLED, ONCE WHILE TURNING LEFT AND ONCE
WHILE GOING STRAIGHT. LOSS OF POWER STEERING AND POWER
BRAKES AND NARROWLY AVOIDING HITTING ANOTHER VEHICLE.
NO CHECK ENGINE LIGHT CAME ON AND NO CODES STORED. *TR

Complaint Filed December 19, 2013 (**NHTSA ID Number:** 10556649)

VEHICLE PICKED UP AFTER INSPECTION AT DEALER AND DRIVEN
APPROX. 1 MILE WHEN VEHICLE EXPERIENCED SUDDEN LOSS OF
POWER. TOOK BACK TO DEALER, MILLER HYUNDAI, AND THEY

1 ADVISED NOTHING WRONG. THEN ON 11/11/13 SAME THING
2 OCCURRED. MILLER HYUNDAI ADVISED THEY COMPLETED AN ECM
3 UPGRADE. LEFT DEALER LOT AND DROVE APPROX. 1/2 MILE AND
4 SAME THING OCCURRED. MILLER HYUNDAI THEN REPLACE THE
5 THROTTLE BODY ON 11/14/13. ON 12/19/13 THE SAME THING
6 OCCURRED, SUDDEN LOST OF POWER. THIS IS THE 4TH TIME IN 8
7 MONTHS THAT THIS HAS OCCURRED. *TR

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Complaint Filed January 24, 2014 (**NHTSA ID Number:** 10561379)

TL* THE CONTACT OWNS A 2012 HYUNDAI SANTA FE. THE
CONTACT STATED THAT THE VEHICLE STALLED WITHOUT
WARNING WHILE DRIVING AT VARIOUS SPEEDS. THE
MALFUNCTION INDICATOR LIGHT ILLUMINATED AFTER THE
FAILURE OCCURRED. THE CONTACT WAS ABLE TO RESTART THE
ENGINE. THE FAILURE WAS EXPERIENCED SEVERAL TIMES. THE
DEALER REPLACED THE THROTTLE BODY HOWEVER THE FAILURE
WAS NOT CORRECTED AND THE ENGINE CONTINUED TO STALL
WITHOUT WARNING. THE MANUFACTURER WAS MADE AWARE OF
THE FAILURE. THE APPROXIMATE FAILURE MILEAGE WAS 18,000
AND THE CURRENT MILEAGE WAS 22,000.

Complaint Filed January 31, 2014 (**NHTSA ID Number:** 10562419)

I WAS ON A FREEWAY ON RAMP THAT GOES DOWNHILL AND
INVOLVES A CURVE TO THE RIGHT. ABOUT HALFWAY DOWN THE
ON RAMP MY ENGINE STALLED. I HAD TO TURN MY WHEEL AS FAR
RIGHT AS I COULD TO AVOID GOING OFF EMBANKMENT AND
COULD NOT ACCELERATE TO TRY TO MOVE AWAY FROM THE
EDGE OF THE EMBANKMENT OR ATTAIN A SAFE SPEED TO MERGE
ONTO FREEWAY. MY OIL LIGHT AND MALFUNCTION LIGHT BOTH
CAME ON. I WAS ABLE TO GET TO THE SIDE OF THE ROAD AND
TURN CAR OFF. WHEN I TURNED IT BACK ON ALL INDICATOR
LIGHTS WERE OFF AND CAR DROVE FINE. I WAS INFORMED BY
DEALERSHIP THERE HAS BEEN A RECENT SOFTWARE FIX FOR THIS
THAT HAS TO DO WITH THE THROTTLE. *TR

Complaint Filed March 4, 2014 (**NHTSA ID Number:** 10566936)

MY 2012 HYUNDAI SANTA FE HAS LOST POWER TWICE WHILE
DRIVING. THE FIRST TIME THIS OCCURRED WAS ON APRIL 11, 2013.
IT HAPPENED AGAIN ON MARCH 1, 2014. BOTH TIMES THE VEHICLE
SHUT OFF WHILE DRIVING AT A SLOW SPEED. THE FIRST TIME WAS
ON A ROADWAY, THE SECOND TIME WAS IN A PARKING LOT. I
HAVE READ OF SIMILAR EXPERIENCES ON THE INTERNET. I HAVE
NOTIFIED THE DEALER AND HYUNDAI CUSTOMER SERVICE OF

1 BOTH INCIDENTS. HYUNDAI HAS ADVISED THERE IS NOTHING
2 THEY CAN REALLY DO UNLESS THEY ARE ABLE TO DUPLICATE
3 THE ISSUE. *TR

4 Complaint Filed March 18, 2014 (**NHTSA ID Number:** 10573113)

5 THIS IS A FOLLOW UP TO THE COMPLAINT I MADE ON 5/13/2013. AT
6 THAT TIME MY VEHICLE WAS AT THE DEALERSHIP TO TRY TO
7 DUPLICATE THE PROBLEM I HAD BEEN HAVING WHICH WAS THAT
8 MY CAR WOULD RANDOMLY STALL WHILE MAKING A TURN,
9 WHETHER LEFT OR RIGHT. WHEN THIS HAPPENED THE PANEL
10 WOULD LIGHT UP LIKE CHRISTMAS AND EVERYTHING INCLUDING
11 THE BRAKES WOULD CEASE TO WORK. I HAVE TO COAST TO A
12 SAFE LOCATION (IF POSSIBLE) TO TURN OFF CAR AND THEN
13 RESTART IT. I HAVE BEEN VERY FORTUNATE THAT ME OR MY
14 FAMILY HAVE NOT BEEN HIT WHEN THIS HAPPENS. UPDATE TO
15 LAST REPORT: MY CAR STAYED AT THE DEALERSHIP FOR 3 WEEKS
16 HOWEVER THE PROBLEM WAS NOT DUPLICATED. THEIR SOLUTION
17 (HYUNDAI USA AND MY DEALERSHIP) WAS TO REPLACE THE
18 THROTTLE BODY. EVERYTHING WAS FINE UNTIL THE SAME
19 PROBLEM OCCURED ON 1/19/2014. I DON'T THINK HYUNDAI USA WILL
20 BE SATISFIED UNTIL THERE'S FATALITIES UNFORTUNATELY.

21 Complaint Filed March 24, 2014 (**NHTSA ID Number:** 10574618)

22 THE VEHICLE SHUT ITSELF OFF WHEN DRIVING LOCALLY AND ON
23 HIGH WAY. THE DEALERSHIP COULD NOT EVEN MAKE A
24 DIAGNOSIS. HYUNDAI HEADQUARTERS REFUSED TO INVESTIGATE
25 IT.

26 Complaint Filed March 25, 2014 (**NHTSA ID Number:** 10574730)

27 AFTER COMING TO A FULL STOP AT AN INTERSECTION, I
28 ACCELERATED TO ENTER THE INTERSECTION AND TURN RIGHT.
ALMOST IMMEDIATELY AS I PULLED INTO THE INTERSECTION, THE
CAR STALLED AS THOUGH IT HAD DIED. I CONTINUED TO PRESS ON
THE ACCELERATOR AND AFTER 3 TO 4 SECONDS, THE CAR
LURCHED FORWARD, WITH FUEL FEED WORKING NORMALLY. I
TOOK THE CAR TO MY LOCAL DEALER WHERE I BOUGHT THE CAR
FOR INSPECTION. THEY TOOK THE CAR IN FOR TESTING AND SAID
THEY COULD NOT FIND ANYTHING WRONG. THIS PROBLEM
PERSISTED, WITH THE INCIDENTS BEING INFREQUENT. I REPORTED
THIS PROBLEM EACH OF THE NEXT FEW TIMES THE PROBLEM
RECURRED. EACH TIME I ASKED IF OTHERS HAD REPORTED THE
SAME PROBLEM. EACH TIME I WAS TOLD THERE WERE NO SUCH

1 COMPLAINTS, AND THAT THEY COULD NOT FIND A REASON FOR
2 MY PROBLEM. FINALLY, I LEFT THE VEHICLE AT THE DEALER FOR
3 SEVERAL DAYS WITH THE UNDERSTANDING THAT THEY WOULD
4 DRIVE THE CAR FREQUENTLY, TRYING TO DUPLICATE MY
5 PROBLEM. AFTER SEVERAL DAYS, THEY CALLED TO SAY THEY
6 HAD EXPERIENCED THE PROBLEM AS I HAD REPORTED IT, AND
7 THEY HAD FIXED IT. I ASKED WHAT WAS DONE, AND THE AGENT
8 COULD/WOULD NOT SPECIFY WHAT THE CAUSE WAS, BUT THEY
9 WROTE ON THE INVOICE THAT THEY HAD REPROGRAMMED TCM
10 WITH TSB#11-AT-011-1. I THEN AGAIN QUERIED ABOUT OTHER
11 COMPLAINTS, AND HE SAID THAT THERE HAD BEEN OTHER
12 COMPLAINTS AFTER ALL, AND THIS SHOULD FIX THE PROBLEM.
13 HOWEVER, I HAVE SINCE EXPERIENCED THE PROBLEM AGAIN AND
14 FEAR THAT AN ACCIDENT IS POSSIBLE. THE LATEST: THEY ARE
15 TAKING MY VEHICLE IN THIS THURSDAY FOR A MAJOR DIAGNOSIS
16 "TO TRY TO FIND THE PROBLEM"., AGAIN.

17
18 Complaint Filed April 2, 2014 (**NHTSA ID Number:** 10576654)

19
20 TL* THE CONTACT OWNS A 2012 HYUNDAI SANTA FE. THE
21 CONTACT STATED WHILE DRIVING APPROXIMATELY 10 MPH, THE
22 ENGINE STALLED WITHOUT WARNING. THE VEHICLE WAS
23 COASTED TO THE SIDE OF THE ROAD. THE VEHICLE RESTARTED ON
24 THE FIRST ATTEMPT AND OPERATED NORMALLY. THE FAILURE
25 RECURRED ON A SEPARATE OCCASION. THE VEHICLE WAS TAKEN
26 TO AN AUTHORIZED DEALER WHERE THEY WERE UNABLE TO
27 DUPLICATE THE PROBLEM. THE MANUFACTURER WAS NOTIFIED
28 OF THE DEFECT. THE APPROXIMATE FAILURE MILEAGE WAS 10,000.
UPDATED 05/28/14*LJ

Complaint Filed April 4, 2014 (**NHTSA ID Number:** 10577396)

TL* THE CONTACT OWNS A 2011 HYUNDAI SANTA FE. THE
CONTACT STATED THAT WHILE DRIVING 20 MPH, THE VEHICLE
STALLED. THE VEHICLE WAS NOT TAKEN TO A DEALER OR
INDEPENDENT MECHANIC. THE MANUFACTURE WAS NOT
NOTIFIED. THE FAILURE MILEAGE WAS 38,800 AND THE CURRENT
MILEAGE WAS 38,920.

Complaint Filed April 8, 2014 (**NHTSA ID Number:** 10578264)

OUR 2012 HYUNDAI SANTE FE HAS SUDDENLY LOST POWER ON
THREE OCCASIONS. THE FIRST TWO TIMES WE WERE DRIVING AT
HIGHWAY SPEEDS, LOST POWER AND MANAGED TO GET TO THE
SIDE OF THE ROAD WITHOUT BEING HIT FROM BEHIND. THE
DEALER INITIALLY DID AN ECM UPGRADE AND AFTER THE

1 SECOND INCIDENT REPLACED THE THROTTLE BODY ASSEMBLY. A
2 YEAR LATER (MARCH 2014) THE SAME THING HAPPENED WHILE
3 DRIVING ABOUT 15 MPH. UNLIKE THE PREVIOUS EPISODES, THERE
4 WAS NO CODE AND THE DEALERSHIP COULDN'T REPLICATE THE
5 PROBLEM. THEY TOLD ME TO TAKE THE CAR BUT I REFUSED
6 BECAUSE IT WAS SUCH A SAFETY PROBLEM. AFTER TWO WEEKS
7 WITH THE CAR THEY REPLACED THE THROTTLE BODY ASSEMBLY
8 AGAIN. I AM CONCERNED THAT THIS IS GOING TO HAPPEN AGAIN
9 AND TRIED TO WORK WITH THE DEALER TO REPLACE THE CAR BUT
10 WITHOUT LUCK. I'VE SEEN ON THE INTERNET THAT THIS PROBLEM
11 IS COMMON WITH THIS PARTICULAR CAR AND CAN'T UNDERSTAND
12 WHY THERE ISN'T A RECALL. MANY PEOPLE EXPERIENCED THE
13 SAME SCENARIO AS I DID AND ALSO BELIEVE THE NEXT TIME
14 THEY COULD BE KILLED.

15 Complaint Filed April 21, 2014 (**NHTSA ID Number:** 10583791)

16 2011 HYUNDAI SANTA FE. CONSUMER WRITES IN REGARDS TO
17 WHILE DRIVING VEHICLE ENGINE SHUT OFF AND CAR DIED. *SMD
18 THE CONSUMER STATED WHEN HE SLOWED DOWN TO GO AROUND
19 A CURVE, THE VEHICLE SHUT OFF. HE COULD BARELY GET THE
20 VEHICLE TO THE SIDE OF THE ROADWAY, BECAUSE THERE WAS NO
21 POWER STEERING OR POWER BRAKES. TECH SUPPORT,
22 RECOMMENDED REPLACING THE THROTTLE BODY, SINCE THE
23 DEALER COULD NOT FIND A PROBLEM. HOWEVER, ON MARCH 1,
24 2014, WHILE DRIVING IN A PARKING LOT AT 10 MPH, THE ENGINE
25 SHUT OFF AGAIN. THE POWER STEERING AND BRAKES WERE NOT
26 OPERABLE. HE LET THE VEHICLE SIT FOR SEVERAL MINUTES
27 BEFORE RE-STARTING IT. THE CONSUMER RETURNED TO THE
28 DEALER, AND AFTER A THOROUGH EXAMINATION, THEY WERE
UNABLE TO DUPLICATE THE PROBLEM. *JB

Complaint Filed April 28, 2014 (**NHTSA ID Number:** 10585396)

SINCE PURCHASED NEW IN 2011, VEHICLE HAS STALLED, LOSING
POWER WITHOUT WARNING IN 6 SEPARATE INCIDENTS. ROAD
SURFACES WERE LEVEL AND SPEEDS RANGED FROM 0-50 MPH.
DURING EACH MALFUNCTION, SPEED DECREASED TO 0 MPH OR DID
NOT ACCELERATE IF ALREADY AT 0 MPH. LOSS OF SPEED IS
ACCOMPANIED BY PRESENCE OF ENGINE, BATTERY, AND OIL
INDICATOR LIGHTS. I AM ABLE TO SHIFT FROM DRIVE TO PARK
MODE, COMPLETELY TURN OFF ENGINE, AND RESTART IGNITION.
VEHICLE APPEARS TO OPERATE NORMALLY AFTER EACH INCIDENT
UNTIL NEXT ONE OCCURS. ALL BUT TWO INCIDENTS OCCURRED
INTERMITTENTLY MONTHS APART ON METROPOLITAN
INTERSTATE HIGHWAYS WITH HEAVY TRAFFIC CONDITIONS. TWO

1 MOST RECENT INCIDENTS OCCURRED ON SAME DAY WITHIN
2 MINUTES OF EACH OTHER. EVERY TIME VEHICLE WAS TAKEN TO
3 AUTHORIZED DEALER FOR EVALUATION, TYPICALLY WITHIN
4 HOUR OF INCIDENT, TECHNICIANS HAVE BEEN UNABLE TO
5 DUPLICATE PROBLEM OR DIAGNOSE MALFUNCTION.
6 CONSEQUENTLY, VEHICLE HAS NOT BEEN REPAIRED. ACCORDING
7 TO 4 AUTHORIZED DEALERS AND HYUNDAI CONSUMER AFFAIRS,
8 TROUBLE CODE IS NECESSARY TO REPAIR MALFUNCTION. TWO
9 AUTHORIZED DEALERS HAVE EVALUATED VEHICLE WITHOUT
10 DIAGNOSING MALFUNCTION. NEITHER HAS BEEN ABLE TO
11 DUPLICATE PROBLEM OR FIND TROUBLE CODE, DESPITE
12 MAINTAINING POSSESSION OF VEHICLE FOR DAYS. BASED ON MY
13 HISTORY OF COMPLAINTS ABOUT SAME SAFETY CONCERN,
14 HOWEVER, TECHLINE ADVISED AUTHORIZED DEALER TO REPLACE
15 ELECTRIC THROTTLE CONTROL MOTOR: PROCEDURE DONE IN
16 OCTOBER 2013, YET STALLING/LOSS OF POWER OCCURRED AGAIN--
17 TWICE--IN APRIL 2014. SPORADICALLY RECURRING MALFUNCTION
18 REMAINS UNRESOLVED. I HAVE TWO SEPARATE CASES FILED WITH
19 HYUNDAI CONSUMER AFFAIRS. VEHICLE IS UNDER WARRANTY,
20 UP-TO-DATE ON MAINTENANCE, AND HAS ACCUMULATED
21 RELATIVELY LOW MILEAGE TO DATE AT APPROXIMATELY 37,000
22 MILES.**4/16/2014**STALLED/LOST POWER TWICE, 2-3 MINUTES
23 BETWEEN INCIDENTS. TOWED TO AUTHORIZED DEALER;
24 CURRENTLY AWAITING INSTRUCTIONS FROM TECHLINE.

25 Complaint Filed May 11, 2014 (**NHTSA ID Number:** 10587679)

26 DRIVING APROX 20 MPH, WITH NO WARNING ENGINE SHUTS DOWN,
27 UNABLE TO STEER. SECOND TIME WAS DRIVING AT 40 MPH. THIS
28 HAS HAPPENED THREE TIMES. DEALER CANNOT FIND OR
REPRODUCE PROBLEM.

Complaint Filed May 26, 2014 (**NHTSA ID Number:** 10594085)

THIS IS THE SECOND INCIDENT. THE FIRST WAS IN SEPTEMBER
2013. BOTH TIMES I WAS TRAVELING AT 15 MPH WHEN THE CAR
ENGINE STALLED AND I LOST STEERING POWER AND BRAKING
POWER. I WAS ABLE TO PULL OVER TO SIDE OF ROAD AND PUT CAR
IN PARK IT THEN RESTARTED. ENGINE WARNING LIGHT CAME ON
BOTH TIMES. I CALL HYUNDAI CUSTOMER SERVICE AND WAS TOLD
TO HAVE CAR TOWED TO CLOSEST DEALER WHICH IS OVER 60
MILES FROM ME. THEY ARE NOT SURE IF I WILL BE REIMBURSED
FOR TOWING FEES THIS FAR

1 Complaint Filed June 5, 2014 (NHTSA ID Number: 10596478)

2 WHILE DRIVING THE ENGINE DIED SUDDENLY, I WAS ABLE TO
3 RESTART THE ENGINE. THIS HAS HAPPENED MULTIPLE TIMES AND
4 IS VERY DANGEROUS FOR A REAR END COLLISION, I HAVE TAKEN
5 THE CAR TO HYUNDAI DEALERSHIPS BUT THEY ARE UNABLE TO
6 DUPLICATE THE PROBLEM AND SAY THAT THEY CAN'T FIND
7 ANYTHING WRONG WITH THE VEHICLE. I HAVE NOTIFIED HYUNDAI
8 OF THE PROBLEM AND THEY JUST TELL ME TO TAKE IT TO A
9 DIFFERENT DEALERSHIP. I HAVE RESEARCHED THIS ISSUE ON THE
10 INTERNET AND THERE SEEMS TO BE MANY HYUNDAI OWNERS
11 HAVING THE SAME ISSUE WITH THE SAME YEAR AND MAKE OF
12 VEHICLE. THERE DOESN'T SEEM TO BE A FIX FOR THIS PROBLEM
13 THAT HYUNDAI IS AWARE OF. PLEASE HELP! THANK YOU

14 Complaint Filed June 6, 2014 (NHTSA ID Number: 10596575)

15 TL* THE CONTACT OWNS A 2010 HYUNDAI SANTE FE. THE
16 CONTACT STATED THAT WHILE DRIVING THE VEHICLE STALLED.
17 ADDITIONALLY, WHILE AT A STOP LIGHT THE VEHICLE WOULD
18 NOT ACCELERATE WHEN THE ACCELERATOR PEDAL WAS
19 ENGAGED. THE VEHICLE WAS TAKEN TO A DEALER, WHO WAS
20 UNABLE TO DETERMINE THE CAUSE OF FAILURE. THE VEHICLE
21 WAS NOT REPAIRED. THE MANUFACTURER WAS MADE AWARE OF
22 THE FAILURE. THE FAILURE MILEAGE WAS 50,000. THE CURRENT
23 MILEAGE WAS 70,000.

24 Complaint Filed June 8, 2014 (NHTSA ID Number: 10596915)

25 VEHICLE DRIVEN SHOPPING CENTER (APPROXIMATELY 15 MI.)
26 UPON LEAVING VEHICLE STALLED GOING APPROXIMATELY 15
27 MPH. STEERING CUT OUT AND DIFFICULT, BUT WAS ABLE TO GET
28 TO THE SIDE OF THE ROAD. WAS ABLE TO RESTART VEHICLE
AFTER APPROXIMATELY 3 MINUTES. GAS WAS PURCHASED
APPROXIMATELY 1 WEEK PRIOR AND VEHICLE RAN FINE. WILL
TAKE TO THE DEALER, BUT BASED ON OTHER REPORTS I DO NOT
EXPECT THEM TO FIND ANY PROBLEMS.

Complaint Filed June 10, 2014 (NHTSA ID Number: 10597317)

TL* THE CONTACT OWNS A 2012 HYUNDAI SANTA FE. THE
CONTACT STATED THAT WHILE TRAVELING 60 MPH, THE VEHICLE
STALLED AS ALL INDICATORS LIGHTS ILLUMINATED ON THE
INSTRUMENT PANEL. THE VEHICLE WAS TOWED TO THE DEALER.
THE TECHNICIAN DIAGNOSED THAT THE ECM CARBURETOR WAS
DEFECTIVE AND NEEDED TO BE REPLACED. THE MANUFACTURER

1 WAS NOT CONTACTED. THE VEHICLE WAS REPAIRED BUT THE
2 FAILURE HAS RECURRED SEVERAL TIMES. THE FAILURE AND
CURRENT MILEAGE WAS 24,741.

3 Complaint Filed June 12, 2014 (**NHTSA ID Number:** 10597887)

4 TL* THE CONTACT OWNS A 2010 HYUNDAI SANTA FE. THE
5 CONTACT STATED WHILE MAKING A LEFT TURN, THE VEHICLE
6 STALLED WITH NO WARNING. THE CONTACT HAD TO APPLY
7 EXTREME FORCE TO TURN THE STEERING WHEEL AND WAS ABLE
8 TO MERGE TO THE SIDE OF THE ROAD. THE CONTACT WAS ABLE TO
9 RESTART THE VEHICLE. THE VEHICLE WAS TAKEN TO AN
10 AUTHORIZED DEALER. THE TECHNICIAN WAS NOT ABLE TO
NEITHER REPLICATE NOR DIAGNOSE THE FAILURE. THE
MANUFACTURER WAS NOTIFIED OF THE FAILURE. THE
APPROXIMATE FAILURE MILEAGE WAS 30,800.

11 Complaint Filed June 16, 2014 (**NHTSA ID Number:** 10598590)

12 MY FAMILY HAS A 2012 HYUDAI SANTA FE. WE STARTED
13 EXPERIENCING PROBLEMS WITH THE VEHICLE STALLING WHILE
14 DRIVING IN 2013. THE CAR STALLED MULTIPLE TIMES ON CITY
15 STREETS AND ONCE ON THE HIGHWAY. WHEN THE CAR STALLS,
16 THE DRIVER LOSES POWER STEERING AND BRAKES. IT IS A VERY
17 DANGEROUS SITUATION. AFTER THE THIRD TIME THE CAR
18 STALLED WE TOOK IT IN FOR SERVICE IN APRIL OF 2013 TO THE
19 LOCAL HYUNDAI DEALERSHIP. THE TECHNICIAN RAN A COMPLETE
20 DIAGNOSTIC AND SAID HE COULD NOT FIND ANYTHING WRONG
21 WITH THE VEHICLE. WE REFUSED TO TAKE THE CAR AT THAT TIME
22 AND INSISTED ON MORE TESTING. THEY DID FIND A PROBLEM.
23 THEY REPLACED/REPAIRED THE ETC-ACTUATOR AND GASKET-
24 THROTTLE BODY. THE CAR RAN FINE UNTIL LAST WEEK WHEN IT
25 STARTED THE SAME PROBLEMS AGAIN. IT HAS STALLED FOUR
26 TIMES IN THE LAST WEEK. THE LATEST STALL HAPPENED TODAY
27 WHEN MY GIRLFRIEND WAS DRIVING THE CAR AT AROUND 30 MPH.
IT ALSO STALLED LAST NIGHT WHEN I WAS DRIVING IT HOME AT
ABOUT 25 MPH. I WAS ABLE TO GET TO THE SIDE OF THE ROAD
AND PUT THE CAR IN PARK. I TURNED THE KEY AND IT STARTED
RIGHT UP AGAIN. WHEN IT STALLED ON ME, I LOST POWER
STEERING AND POWER BRAKES. THE TIME OF THE INCIDENT WAS
9:48PM AND THE MILEAGE ON THE CAR WAS 72,917. IT WAS VERY
SCARY. WE ARE TAKING CAR TO HYUNDAI DEALERSHIP TODAY
FOR REPAIRS. WE DO NOT WANT TO DRIVE THIS CAR ANYMORE. IT
IS UNSAFE AND A HAZARD.

1 Complaint Filed June 26, 2014 (NHTSA ID Number: 10606094)

2 AFTER DRIVING TO WORK (APPROXIMATELY 27 MINUETS AT
3 SPEEDS UP TO 70+) I PULLED INTO MY WORK PARKING LOT LIKE I
4 HAVE DOWN THOUSANDS OF TIMES BEFORE. I PROCEEDED TO
5 MAKE A RIGHT TURN AND ALL POWER FAILED ON VEHICLE. THE
6 RADIO DISPLAY WENT DEAD AND THE CAR STOPPED MID TURN. IT
7 WAS ALMOST LIKE WHEN YOUR POWER GOES OUT AT HOME
8 DURING A STORM. I TRIED SHIFT THE CAR TO SEE IF IT WOULD
9 WANT TO START BACK UP BUT IT DIDN'T LET THE KEY GO ALL THE
10 WAY TO THE RIGHT LIKE YOU WOULD TO NORMALLY CRANK A
11 VEHICLE. THE PANEL ILLUMINATED ALL ICONS AND LIGHTS
12 (SIMILAR TO A POWER OUTAGE). I TRIED TO START THE CAR A FEW
13 MORE TIMES WHEN FINALLY IT TURNED OVER AND I PULLED TO
14 THE NEAREST PARKING SPACE. I IMMEDIATELY CALLED THE
15 DEALERSHIP AND EXPLAIN WHAT HAPPENED. I HAD ROADSIDE
16 TOW IT TO THE DEALERSHIP (SPORT DURST). AFTER HAVING THE
17 VEHICLE ALL DAY, I ARRIVED THERE SLIGHTLY BEFORE 5PM TO
18 DISCUSS WHAT WAS FOUND. THEY PROCEEDED TO SHOW ME A
19 PRINT OUT OF THE COMPUTER READING WHERE IT HAD NO
20 "CODES" PRESENT. I WAS THEN TOLD IF THEY DON'T HAVE A CODE,
21 THEY DON'T KNOW WHERE TO LOOK FOR THE ISSUE. I THEN
22 EXPLAINED THAT I WAS LUCKY THIS TIME THAT I WAS NOT IN
TRAFFIC OR THAT ANOTHER CAR WASN'T BEHIND ME OR THAT IT
WASN'T AT NIGHT IN AN UNSAFE AREA BUT AS A CAR OWNER WHY
AM I EXPECTED TO ROLL THE DICE WITH MY SAFETY?? WHY CAN'T
THEY DO WHAT IT TAKES TO GET TO THE BOTTOM OF THE ISSUE. I
DON'T LIKE BEING AT ANY DEALERSHIP WASTING MY EVENING
HAGGLING WITH THEM MORE THEN THEY DO. THEREFORE I HAVE
NO REASON TO MAKE IT UP. THE SERVICE MANAGER TRIED TO
EXPLAIN THAT HIS HANDS WERE TIED AND THAT FOR THE
WARRANTY TO BE USED TO CHECK ALL POTENTIAL ISSUES
(WITHOUT ANY "CODES") I WOULD HAVE TO BE RESPONSIBLE FOR
THE BILL UNLESS THEY FIND SOMETHING WHICH I FEEL IS UNFAIR
WHEN THE CAR IS 2 YEARS OLD WITH 40,000 MILES. I WAS THEN
TOLD WHEN IT HAPPENS NEXT TIME... RECORD IT...

23 Complaint Filed July 11, 2014 (NHTSA ID Number: 10609836)

24 TL* THE CONTACT OWNS A 2012 HYUNDAI SANTA FE. THE
25 CONTACT STATED THAT WHILE DRIVING 30 MPH, THE VEHICLE
26 STALLED WITHOUT WARNING. THE CONTACT WAS ABLE TO
27 RESTART THE VEHICLE AFTER THE FAILURE. THE MANUFACTURER
28 WAS NOT MADE AWARE OF THE FAILURE. THE VEHICLE WAS NOT
REPAIRED. THE FAILURE MILEAGE WAS 5,000 AND THE CURRENT
MILEAGE WAS 7,000.

1 Complaint Filed July 14, 2014 (**NHTSA ID Number:** 10610396)

2 I HAVE HAD THE ENGINE STALLMENT ISSUE WITH MY 2010 SANTA
3 FE LIMITED SINCE I BOUGHT THIS CAR NEW IN 2010. MY LAST 4
4 INCIDENTS HAVE BEEN REPORTED TO THE DEALER. THEY HAVE
5 NOT BEEN ABLE TO DUPLICATE THE ISSUE NOR FIND ANY CODES
6 FOR IT. THEY HAVE PERFORMED THE FOLLOWING FIXES ON MY
7 CAR IN 4 SEPARATE ATTEMPTS WITH NO LUCK: - REPLACE
8 THROTTLE BODY (2013) - REPLACE MAIN POWER CABLE - REPLACE
9 COMPUTER'S MAIN BOARD - UPDATE SOFTWARE THIS IS AN
10 EXTREMELY DANGEROUS ISSUE. LAST TIME IT HAPPENED I WAS
11 DRIVING MY CAR ON A DOWNHILL RAMP TO ENTER THE FREEWAY
12 WHEN THE ENGINE STALLED. I CAN STILL HEAR THE CONCRETE
13 TRUCK'S BRAKE SOUND IN MY EARS WHEN IT DESPERATELY
14 MANAGED TO STOP AND AVOID COLLISION. I DON'T FEEL SAFE TO
15 DRIVE THIS CAR ANYMORE. I HAVE ALSO LOST MY CONFIDENCE IN
16 THE DEALER'S ABILITY TO PERMANENTLY FIX THIS ISSUE.

12 Complaint Filed July 16, 2014 (**NHTSA ID Number:** 10611004)

13 WHEN MAKING A RIGHT HAND TURN AT SLOW SPEED THE CARS
14 STALLS OUT. TODAY 7/16 IS THE 3RD TIME THIS HAS HAPPENED.
15 THE SAME EVENT HAPPENED TWICE IN THE SAME WEEK ABOUT 6
16 MONTHS AGO THEN NOT AGAIN. THIS SOUNDS TOO SIMILAR TO
17 THE PROBLEMS W/ GM CARS.

17 Complaint Filed July 17, 2014 (**NHTSA ID Number:** 10611285)

18 ON MONDAY, JULY 14, 2014, MY WIFE RODE HER SANTA FE ON A
19 STRAIGHT ROAD ACCELERATING SLIGHTLY UPHILL WHEN THE
20 ENGINE STALLED. ON THURS. DEC. 5, 2013, I HAD A SIMILAR
21 EXPERIENCE, WHICH I REPORTED TO YOU AT THE TIME. THIS IS
22 THE SECOND TIME THIS HAS HAPPENED WITH THIS CAR. AGAIN
23 NOBODY TOUCHED THE IGNITION KEY WHICH HAS NOTHING
24 HANGING ON IT EXCEPT THE ALARM AND DOOR LOCK DONGLE.
25 MY WIFE ALSO SUDDENLY LOST POWER STEERING AND POWER
26 BRAKES, AND LUCKILY THERE WAS NO OTHER TRAFFIC, WHICH
27 COULD HAVE CAUSED AN ACCIDENT. SHE WAS ABLE TO BRING
28 THE CAR TO A SAFE STOP AND THEN WAS ABLE TO RESTART THE
ENGINE AND CONTINUE HER TRIP. THE 2010 CAR HAD A FULL TANK
OF GAS AND HAS ABOUT 50000 MILES ON THE ODOMETER. IT'S AWD
AND HAS A 6 CYL. ENGINE. COULD THIS BE RELATED TO THE
IGNITION SWITCH PROBLEM THAT HAS PLAGUED SO MANY GM
CARS? NEEDLESS TO SAY WE ARE WORRIED DRIVING THE CAR
BECAUSE IF THIS INCIDENT OCCURS AT HIGH SPEED, A SERIOUS

1 ACCIDENT COULD BE THE RESULT. DO YOU KNOW OF ANY SIMILAR
2 EXPERIENCE? WHAT DO YOU ADVISE? ALBERT NILLE

3 39. The consumer website carcomplaints.com contains similar accounts. For
4 example (spelling and grammatical errors remain as found in the original)¹:

5 Complaint Dated August 6, 2012

6
7 The engine stalls at least weekly. Many times of dropping off the vehicle to the
8 dealership, with no answer at all. The dealership and the Hyundai USA is
9 kicking this back and forth each other. - **poorhyundaisantafe**, Clementon, NJ,
USA

10 Complaint Dated August 12, 2012

11 This is dangerous because the car just stops working dead in its tracks without
12 any indication that there is a problem. One is not safe. - **Janet D.**, Chapel Hill,
NC, USA

13 Complaint Dated April 15, 2013

14
15 The car has simply died in the middle of the road, 2 times. 1st time (26k miles)
16 on a 2 lane highway with a lot of traffic going about 40mph coasting on a slight
17 downhill. Fortunately, I was able to pull to the side without incident, despite
18 loss of steering and power brakes. Second time, (51k miles) slowing down to
turn into my driveway. stalled during my turn, losing the steering I missed
hitting my mailbox by inches.

19 Both times I took into Hyundai service & they could not replicate the problem.
20 The 1st time, they replaced wires that were connected to battery? I don't know
21 why, it is not a starting problem. Any suggestions? - **Cathy P.**, Fremont, CA,
USA

22 Complaint Dated May 24, 2013

23 This car is a lemon. It suddenly loses power at any speed between 40-80 miles
24 per hour. Dealer has replaced the throttle body three times, supposedly they
25 claim its a "software" update that's needed. It is a gas hog, worse than my v-8
Chevy Tahoe. It is totally unreliable. - **Oscar M.**, PLantation, FL, USA

26
27 ¹ The complaints reproduced here can be viewed at
28 http://www.carcomplaints.com/Hyundai/Santa_Fe/2012/engine/Engine_Stalls_Stops.shtml
(last visited 8/5/14).

1 Complaint Dated June 4, 2013

2 Just want to relate that at 6am on my way to work, my car died after I stopped at
3 a stop sign. All was dead, except for three light on the dash. I was in drive when
4 it happened and I immediately put the car into park, tried to start it and nothing
5 happened. Tried three times and nothing happened. No noise - nothing. then
6 when I was about to panic, it started. I reported it to the dealership as this is a
7 lease car. Probably they won't find any problem. I took it to a reputable mechanic
8 that said nothing will show on the computer when I do take it in because nothing
9 registered when I tried to start it. He said it wasn't the gas and was probably
10 electric. I just hope it doesn't happen again. I'm already upset about the creaky
11 console that they've already replaced once. It still creaks and this will be the
12 deal breaker for me keeping the car. Otherwise it's an okay car. - **sschryer**,
13 Lakewood, CO, USA

10 Complaint Dated September 7, 2013

11 This is a dangerous problem. This is the first time I am reporting this online, but
12 have talked to the dealer service department 2 times before today's incidence.
13 Bought this new at the end of April 2012. It died when slowing down - coming
14 to a stop sign twice that first summer. Didn't think too much of it, but unusual.
15 Next it happen in Sept 2012 while making a turn on a residential street.
16 These two type of issues have happened a total of 6 times since I purchased it.
17 Today, takes the cake - as I was turning from one busy street (approx 40 mi/hr)
18 slowing down and into another busy street approx 30 mph when it died. I lost
19 power steering and almost turned into oncoming traffic. Hyundai service, looks
20 at the computer and says it does not record anything and I should leave it next
21 time to see if they can duplicate it. - **Cathy T.**, Elk Grove Village, IL, USA

18 40. The following question was posted on the website cargurus.com on December
19 28, 2011: "My SF stalled on a slow speed right turn. No engine code was produced. Anyone
20 else experienced this problem? It is a 2011 Limited." Thirty-two responses have been posted
21 to date, most by fellow Santa Fe owners who experienced the Stalling Defect under various
22 conditions.²

24 41. As detailed by way of example above, scores of consumers have reported
25 experiencing the Stalling Defect through NHTSA's website and other online sources.
26
27

28 ² See http://www.cargurus.com/Cars/Discussion-t42005_ds511688 (last visited on 8/5/14).

1 42. The existence of the Stalling Defect is a material fact that any reasonable
2 consumer would consider when deciding whether to purchase or lease a Class Vehicle. Had
3 Plaintiffs and other Class Members been made aware of the Stalling Defect, they would not
4 have purchased the Class Vehicles or would have paid less for them.

5 43. Reasonable consumers, like Plaintiffs, expect that a vehicle will function in a
6 manner that will not pose a safety hazard, and will be free from defects. Plaintiffs and Class
7 Members further reasonably expect that Defendants will not sell or lease vehicles with a known
8 safety defect, and will disclose any such defect when it becomes known.

9 44. Defendants had superior and exclusive knowledge of the Stalling Defect, and
10 knew or should have known that the defect was not known or reasonably discoverable by
11 Plaintiffs and Class Members before they purchased or leased the Class Vehicles. Plaintiffs are
12 informed and believe, and based thereon allege, that before Plaintiffs purchased their Class
13 Vehicles, and since as early as 2009, Defendants acquired their exclusive knowledge of the
14 Stalling Defect through sources not available to Plaintiffs and Class Members. These sources
15 include, but are not limited to, the following: pre-production testing, pre-release testing data,
16 early consumer complaints made exclusively to Defendants and their dealers, including high
17 warranty reimbursement rates and repair orders, testing conducted in response to those
18 complaints, high failure rates and replacement part sales data, aggregate data from Defendants'
19 dealers, and repair order and parts data received by Defendants from Defendants' network of
20 dealers.

21 45. In addition, Defendants were made aware of the Stalling Defect through online
22 complaints which were publicly available, and, on information and belief, actively monitored by
23 Defendants.
24

1 46. On information and belief, Defendants were also made aware of the Stalling
2 Defect by additional complaints made by consumers directly to Defendants but not publicly
3 reported. As illustrated above, a significant number of consumers took the time to document
4 their complaints with NHTSA and on other public websites. Such complaints typically
5 represent only a fraction of actual complaints as many consumers are not inclined to document
6 their problems publicly. On information and belief, many more consumers contacted
7 Defendants directly as early as the release of the 2010 model (*i.e.*, in late 2009) to report
8 manifestations of the Stalling Defect.
9

10 47. The fact that Defendant was made aware of the Stalling Defect years ago is made
11 all the more plausible by the manner in which the defect manifests and its seriousness. The
12 publicly available complaints show that the defect has a tendency to recur repeatedly and places
13 drivers in an extremely perilous position. The frequency of the defect and its seriousness, as
14 well as the number of public complaints, create a plausible inference that Defendants received
15 many more complaints than are available online and were made keenly aware of the Stalling
16 Defect early. On information and belief, Defendants actively concealed the Stalling Defect to
17 avoid the economic impact of notifying consumers and taking responsibility.
18
19

20 **TOLLING OF THE STATUTE OF LIMITATIONS**

21 48. Because the Stalling Defect in the Class Vehicles cannot be detected until
22 manifestation, Plaintiffs and Class Members were not reasonably able to discover the problem
23 until after purchasing or leasing the Class Vehicles, despite their exercise of due diligence.
24

25 49. Plaintiffs and Class Members had no realistic ability to discern that their
26 vehicles were defective until they stalled repeatedly, nor would Plaintiffs and Class Members
27
28

1 have reason to believe that problems they encountered were caused by a widespread, systematic
2 defect.

3 50. Plaintiffs are informed and believe, and based thereon allege, that Defendants
4 have known of the Stalling Defect since at least 2009, if not earlier, and have concealed from or
5 failed to alert owners and lessees of the Class Vehicles of their defective nature.
6

7 51. Any applicable statute of limitation has therefore been tolled by Defendants'
8 knowledge, active concealment, and denial of the facts alleged herein. Defendants are further
9 estopped from relying on any statute of limitation because of their concealment of the defective
10 nature of the Class Vehicles.
11

12 **CLASS ACTION ALLEGATIONS**

13 52. Plaintiffs bring this lawsuit as a class action on behalf of themselves and all
14 others similarly situated as members of the proposed Class and Sub-Class pursuant to Federal
15 Rules of Civil Procedure 23(a) and 23(b)(3). This action satisfies the numerosity,
16 commonality, typicality, adequacy, predominance, and superiority requirements of those
17 provisions.
18

19 53. The Class and Sub-Classes are defined as follows:

20 **Class:** All individuals in the United States who purchased or leased any 2010
21 through 2012 Hyundai Santa Fe vehicle.

22 **California Sub-Class:** All individuals in the State of California who purchased
23 or leased any 2010 through 2012 Hyundai Santa Fe vehicle.
24

25 54. Excluded from the Class and Sub-Classes are: (1) Defendants, any entity or
26 division in which Defendants have a controlling interest, and their legal representatives,
27 officers, directors, assigns, and successors; (2) the Judge to whom this case is assigned and the
28

1 Judge's staff; and (3) those persons who have suffered personal injuries as a result of the facts
2 alleged herein. Plaintiffs reserve the right to amend the Class and Sub-Class definitions if
3 discovery and further investigation reveal that the Class and Sub-Class should be expanded or
4 otherwise modified.

5 55. Numerosity: The Class here numbers in the tens of thousands, making joinder
6 impracticable. The disposition of the claims of these Class Members in a single action will
7 provide substantial benefits to all parties and to the Court. The Class Members are readily
8 identifiable from information and records in Defendant's possession, custody, or control, as
9 well as from records kept by the departments of motor vehicles of the various states.
10

11 56. Typicality: The claims of the representative Plaintiffs are typical of the claims of
12 the Class in that the representative Plaintiffs, like all Class Members, purchased and leased a
13 Class Vehicle designed, manufactured, and distributed by Defendants and subject to the Stalling
14 Defect. The representative Plaintiffs, like all Class Members, have been damaged by
15 Defendants' misconduct. Furthermore, the factual bases of Defendants' misconduct are
16 common to all Class Members and represent a common thread resulting in injury to all Class
17 Members.
18

19 57. Commonality: There are numerous questions of law and fact common to
20 Plaintiff and the Class that predominate over any question affecting only individual Class
21 Members. These common legal and factual questions include the following:
22

- 23 (a) Whether the Class Vehicles contain a defect that causes stalling;
24 (b) Whether the Stalling Defect constitutes an unreasonable safety risk;
25 (c) Whether Defendants knew about the Stalling Defect and, if so, how long
26 Defendants have known of the defect;
27
28

1 (d) Whether the Stalling Defect constitutes a material fact to consumers;

2 (e) Whether Defendants have a duty to disclose the Stalling Defect to Plaintiffs
3 and putative Class Members;

4 (f) Whether Plaintiffs and other Class Members are entitled to equitable relief,
5 including, but not limited to, a preliminary and/or permanent injunction;

6 (g) Whether Plaintiffs and other Class Members are entitled to damages;

7 (h) Whether Defendants should be declared financially responsible for
8 notifying all Class Members of the Stalling Defect and for the costs and
9 expenses of repairing the defect;

10 (i) Whether Defendant is obligated to inform Class Members of their right to
11 seek reimbursement for having paid to diagnose, repair, and replace their
12 vehicles due to the Stalling Defect; and

13 (j) Whether Defendants breached the implied warranty of merchantability
14 pursuant to the Song-Beverly Act.

15 58. Adequate Representation: Plaintiffs will fairly and adequately protect the
16 interests of Class Members. Plaintiffs have retained attorneys experienced in the prosecution
17 of class actions, including consumer and product defect class actions, and Plaintiffs intend to
18 prosecute this action vigorously.

19 59. Superiority: Plaintiffs and the Class Members have all suffered and will
20 continue to suffer harm and damages as a result of Defendants' unlawful and wrongful
21 conduct. A class action is superior to other available methods for the fair and efficient
22 adjudication of the controversy. Absent a class action, most Class Members would likely find
23 the cost of litigating their claims prohibitively high and would therefore have no effective
24
25
26
27
28

1 remedy at law. Because of the relatively small size of individual Class Members' claims, it is
2 likely that only a few Class Members could afford to seek legal redress for Defendants'
3 misconduct. Absent a class action, Class Members will continue to incur damages, and
4 Defendants' misconduct will continue without remedy. Class treatment of common questions
5 of law and fact would also be a superior method to multiple individual actions or piecemeal
6 litigation because class treatment will conserve the resources of the courts and the litigants
7 and will promote consistency and efficiency of the adjudication.
8

9 60. In the alternative, the Class and Subclass may be certified because:

10 (a) The prosecution of separate actions by the individual members of the Class
11 would create a risk of inconsistent or varying adjudication with respect to
12 individual Class Members, which would establish incompatible standards of
13 conduct for Defendant;
14

15 (b) The prosecution of separate actions by individual Class Members would
16 create a risk of adjudications with respect to them that would, as a practical
17 matter, be dispositive of the interests of other Class Members not parties to the
18 adjudications, or substantially impair or impede their ability to protect their
19 interests; and,
20

21 (c) Defendants have acted or refused to act on grounds generally applicable to
22 the Class, thereby making appropriate final and injunctive relief with respect to
23 the members of the class as a whole.
24
25
26
27
28

FIRST CAUSE OF ACTION

**(Violation of California's Consumers Legal Remedies Act,
California Civil Code § 1750, *et seq.*)**

61. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs of this Complaint.

62. Plaintiffs bring this cause of action on behalf of themselves and on behalf of all Class Members, and in the alternative on behalf of the California Sub-Class.

63. Each Defendant is a "person" as defined by California Civil Code § 1761(c).

64. Plaintiffs and Class Members are "consumers" within the meaning of California Civil Code § 1761(d).

65. By failing to disclose and concealing the defective nature of the Class Vehicles from Plaintiffs and prospective Class Members, Defendants violated California Civil Code § 1770(a), as they represented that the Class Vehicles had characteristics and benefits that they do not have, and represented that the Class Vehicles were of a particular standard, quality, or grade when they were of another. *See* Cal. Civ. Code §§ 1770(a)(5) & (7).

66. Defendants' unfair and deceptive acts or practices occurred repeatedly in Defendants' trade or business, were capable of deceiving a substantial portion of the purchasing public, and imposed a serious safety risk on the public.

67. Defendants knew that the Class Vehicles suffered from an inherent defect, were defectively designed or manufactured, and were not suitable for their intended use.

68. As a result of their reliance on Defendants' omissions and/or misrepresentations, owners and/or lessees of the Class Vehicles suffered an ascertainable loss of money, property, and/or value of their Class Vehicles. Additionally, as a result of the Stalling Defect, Plaintiffs and Class Members were harmed and suffered actual damages

1 because the Class Vehicles are substantially certain to fail before their expected useful life has
2 run.

3 69. Defendants were under a duty to Plaintiffs and Class Members to disclose the
4 defective nature of the Class Vehicles and/or the associated repair costs because:

5 (a) Defendants were in a superior position to know the true state of facts about
6 the safety defect in the Class Vehicles;

7 (b) Plaintiffs and the Class Members could not reasonably have been expected
8 to learn or discover that their vehicles had a dangerous safety defect until it
9 manifested; and,
10

11 (c) Defendants knew that Plaintiffs and the Class Members could not
12 reasonably have been expected to learn of or discover the safety defect.
13

14 70. In failing to disclose the defective nature of the Class Vehicles, Defendants
15 knowingly and intentionally concealed material facts and breached their duty not to do so.

16 71. The facts Defendants concealed from or did not disclose to Plaintiffs and Class
17 Members are material in that a reasonable consumer would have considered them to be
18 important in deciding whether to purchase or lease the Class Vehicles or pay less for them.
19 Had Plaintiffs and other Class Members known that the Class Vehicles were defective, they
20 would not have purchased or leased the Class Vehicles or would have paid less for them.
21

22 72. As a result of Defendants' conduct, Plaintiffs and Class Members were harmed
23 and suffered actual damages in that the Class Vehicles experienced and will continue to
24 experience the Stalling Defect.
25

26 73. As a direct and proximate result of Defendants' unfair or deceptive acts or
27 practices, Plaintiffs and Class Members suffered and will continue to suffer actual damages.
28

1 74. Plaintiffs and the Class are entitled to equitable relief.

2 75. Plaintiffs provided Defendants with notice of its violations of the CLRA
3 pursuant to California Civil Code § 1782(a). If, within 30 days, Defendants fail to provide
4 appropriate relief for their violations of the CLRA, Plaintiffs will amend this Complaint to
5 seek monetary, compensatory, and punitive damages, in addition to the injunctive and
6 equitable relief that they seek now.
7

8 76. Plaintiff Greg Battaglia's Declaration of Venue, as required under California
9 Civil Code § 1780(d), which reflects that a substantial part of the events or omissions giving
10 rise to the claims alleged herein is situated in the Northern District of California, is attached
11 hereto as Exhibit A.
12

13 **SECOND CAUSE OF ACTION**

14 **(Violation of California Business & Professions Code § 17200, *et seq.*)**

15 77. Plaintiffs incorporate by reference the allegations contained in the preceding
16 paragraphs of this Complaint.
17

18 78. Plaintiffs bring this cause of action on behalf of themselves and on behalf of all
19 Class Members, and in the alternative on behalf of the California Sub-Class.

20 79. As a result of their reliance on Defendants' omissions and/or
21 misrepresentations, owners and/or lessees of the Class Vehicles suffered an ascertainable loss
22 of money, property, and/or value of their Class Vehicles. Additionally, as a result of the
23 Stalling Defect, Plaintiffs and Class Members were harmed and suffered actual damages
24 because the Class Vehicles are substantially certain to fail before their expected useful life has
25 run.
26
27
28

1 80. California Business & Professions Code § 17200 prohibits acts of “unfair
2 competition,” including any “unlawful, unfair or fraudulent business act or practice” and
3 “unfair, deceptive, untrue or misleading advertising.”

4 81. Plaintiffs and Class Members are reasonable consumers who do not expect
5 their vehicles to randomly stall and lose all power, including steering and braking, while in
6 operation.
7

8 82. Defendants knew the Class Vehicles suffered from an inherent defect, were
9 defectively designed or manufactured, would fail prematurely, and were not suitable for their
10 intended use.

11 83. In failing to disclose the defects in the Class Vehicles, Defendants have
12 knowingly and intentionally concealed material facts and breached their duty not to do so.
13

14 84. Defendants were under a duty to Plaintiffs and the Class Members to disclose
15 the defective nature of the Class Vehicles:

16 (a) Defendants were in a superior position to know the true state of facts about
17 the Stalling Defect in the Class Vehicles;

18 (b) Defendants made partial disclosures about the quality of the Class Vehicles
19 without revealing their defective nature; and,
20

21 (c) Defendants actively concealed the defective nature of the Class Vehicles
22 from Plaintiffs and the Class.
23

24 85. The facts Defendants concealed from or failed to disclose to Plaintiffs and
25 Class Members are material in that a reasonable person would have considered them to be
26 important in deciding whether to purchase or lease the Class Vehicles. Had Plaintiffs and the
27 other Class Members known that the Class Vehicles were defective and posed a safety hazard,
28

1 then Plaintiffs and the other Class Members would not have purchased or leased the Class
2 Vehicles, or would have paid less for them.

3 86. Defendants continued to conceal the defective nature of the Class Vehicles
4 even after Class Members began to report problems. Indeed, Defendants continue to cover up
5 and conceal the true nature of the problem today.
6

7 87. By their conduct, Defendants have engaged in unfair competition and unfair
8 business practices.

9 88. Defendants' unfair acts or practices occurred repeatedly in Defendants' trade or
10 business and were capable of deceiving a substantial portion of the purchasing public.
11

12 89. In addition, as set forth herein, Defendants' acts and practices alleged herein
13 are unlawful because they violate California Civil Code §§ 1770 (a)(5), 1770 (a)(7), 1770
14 (a)(9), 1792, *et seq.*, and 1795.90, *et seq.*, and 15 U.S.C. § 2301, *et seq.*

15 90. Further, as set forth herein, Defendants' acts and practices are deceptive in that
16 they were capable of misleading or deceiving, and in fact did mislead and deceive, a
17 substantial portion of the purchasing public.
18

19 91. As a direct and proximate result of Defendants' unfair, unlawful and deceptive
20 practices, Plaintiffs and Class Members have suffered and will continue to suffer actual
21 damages.
22

23 92. Defendants have been unjustly enriched and should be required to make
24 restitution to Plaintiffs and Class Members, pursuant to §§ 17203 and 17204 of the Business
25 & Professions Code.
26
27
28

THIRD CAUSE OF ACTION

(Breach of Implied Warranty Pursuant to Song-Beverly

Consumer Warranty Act, California Civil Code §§ 1792 and 1791.1, *et seq.*)

93. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs of this Complaint

94. Plaintiffs bring this cause of action against Defendants on behalf of themselves and on behalf of all Class Members, and in the alternative on behalf of the California Sub-Class.

95. Defendants were at all relevant times the manufacturer, distributor, warrantor, and/or sellers of the Class Vehicles. Defendants knew or had reason to know of the specific use for which the Class Vehicles were purchased or leased.

96. Defendants provided Plaintiffs and Class Members with an implied warranty that the Class Vehicles and their components and parts are merchantable and fit for the ordinary purposes for which they were sold. However, the Class Vehicles are not fit for their ordinary purpose of providing reasonably reliable and safe transportation because the Class Vehicles suffered from an inherent defect at the time of sale and thereafter were not fit for their particular purpose of providing safe and reliable transportation.

97. Defendants impliedly warranted that the Class Vehicles were of merchantable quality and fit for such use. This implied warranty included, among other things: (i) a warranty that the Class Vehicles that were manufactured, supplied, distributed, and/or sold by Defendants were safe and reliable for providing transportation; and (ii) a warranty that the Class Vehicles would be fit for their intended use.

1 105. The Class Vehicles are “consumer products” within the meaning of 15 U.S.C. §
2 2301(1).

3 106. Defendants impliedly warranted that the Class Vehicles were of merchantable
4 quality and fit for such use. This implied warranty included, among other things: (i) a
5 warranty that the Class Vehicles that were manufactured, supplied, distributed, and/or sold by
6 Defendants were safe and reliable for providing transportation; and (ii) a warranty that the
7 Class Vehicles would be fit for their intended use.
8

9 107. Contrary to the applicable implied warranties, the Class Vehicles at the time of
10 sale and thereafter were not fit for their ordinary and intended purpose of providing Plaintiffs
11 and the Class Members with reliable, durable, and safe transportation. Instead, the Class
12 Vehicles are defective.
13

14 108. The amount in controversy of the Plaintiffs’ individual claims meets or exceeds
15 the sum or value of \$25,000. In addition, the amount in controversy meets or exceeds the sum
16 or value of \$50,000 (exclusive of interests and costs) computed on the basis of all claims to be
17 determined in this suit.
18

19 109. Defendants have been afforded a reasonable opportunity to cure their breach of
20 implied warranty, including when Class Members brought their vehicles in for diagnoses and
21 repair.
22

23 **RELIEF REQUESTED**

24 110. Plaintiffs, on behalf of themselves, and all others similarly situated, request the
25 Court to enter judgment against Defendants, as follows:

- 26 (a) An order certifying the proposed Class and Sub-Class, designating
27 Plaintiffs as named representatives of the Class and Sub-Class, and
28

1 designating the undersigned as Class Counsel;

2 (b) A declaration that Defendants are financially responsible for notifying all
3 Class Members about the defective nature of the Class Vehicles,
4 including the need for repair;

5 (c) An order enjoining Defendants from further deceptive distribution, sales,
6 and lease practices with respect to Class Vehicles;

7 (d) An order requiring Defendants to notify all recipients of the Service
8 Campaign Notification of the false and misleading statements contained
9 within the Notification and accompanying website and to provide an
10 accurate explanation of the nature, extent, manifestations and danger
11 posed by the Stalling Defect;

12 (e) An order requiring Defendants to perform a safety recall which, *inter*
13 *alia*: (1) fully and accurately discloses the nature and manifestations of
14 the Stalling Defect including, without limitation, the danger the defect
15 poses; (2) provides a fix that addresses all manifestations of the Stalling
16 defect and repairs Plaintiffs' and Class Members' vehicles such that they
17 are no longer subject to the Stalling Defect, or, if not possible, then
18 alternatively provides full reimbursement of the purchase price or a
19 comparable replacement vehicle; (3) establishes a reimbursement
20 program for out-of-pocket losses suffered by Class Members as a result
21 of the Stalling Defect; and (4) provides substitute vehicles during the
22 time necessary to perform repairs for those who do not wish to drive their
23 vehicles until they are repaired;

24 (f) A declaration requiring Defendants to comply with the various provisions
25 of the Song-Beverly Act alleged herein and to make all the required
26 disclosures;

27 (g) A declaration requiring Defendants to comply with the various provisions
28

1 of the Magnuson-Moss Act alleged herein and to make all the required
2 disclosures;

3 (h) An award to Plaintiffs and the Class for compensatory, exemplary, and
4 statutory damages, including interest, in an amount to be proven at trial;

5 (i) Any and all remedies provided pursuant to the Song-Beverly Act,
6 including California Civil Code section 1794;

7 (j) A declaration that Defendants must disgorge, for the benefit of the Class,
8 all or part of the ill-gotten profits they received from the sale or lease of
9 the Class Vehicles, or make full restitution to Plaintiffs and Class
10 Members;

11 (k) An award of attorneys' fees and costs, as allowed by law;

12 (l) An award of attorneys' fees and costs pursuant to California Code of
13 Civil Procedure § 1021.5;

14 (m) An award of pre-judgment and post-judgment interest, as provided by
15 law;

16 (n) Leave to amend the Complaint to conform to the evidence produced at
17 trial; and

18 (o) Such other relief as may be appropriate under the circumstances.
19

20 **DEMAND FOR JURY TRIAL**

21
22 111. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by
23 jury of any and all issues in this action so triable.

24
25 //

26 //

27 //
28

1 Dated: August 8, 2014

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